

Memorandum 2019-12

**California Public Records Act Clean-Up: Cumulative Draft
of Material Previously Reviewed**

At the request of the Legislature, the Commission¹ is preparing legislation to recodify the California Public Records Act (“CPRA”)² in a more user-friendly manner without changing its substance.³ Attached for convenient reference is a cumulative draft of the material that the Commission has considered and preliminarily approved for inclusion in a tentative recommendation.

The attached draft includes Parts 1-4 and the beginning of Part 5 (Chapters 1-13) of proposed new Division 10 of the Government Code. The draft reflects all of the Commission’s decisions to date. It also incorporates legislation enacted in 2018.⁴

Boxed notes in the draft identify proposed provisions that incorporate 2018 legislation. Other boxed notes provide background information, or draw attention to an issue of particular interest to the Commission.

Commissioners and other interested persons should review the attached draft and determine whether any revisions are needed. Comments on any aspect of the draft would be helpful.⁵

Respectfully submitted,

Barbara Gaal
Chief Deputy Counsel

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. Gov’t Code §§ 6250-6276.48.

3. See 2018 Cal. Stat. res. ch. 158 (SCR 91 (Roth & Chau)). For the current version of the Commission’s tentative outline for the recodification, see Memorandum 2018-64.

4. For a list of 2018 legislation affecting the CPRA, see First Supplement to Memorandum 2018-53, pp. 1-2.

5. Written comments can be in any form. They should be directed to bgaal@clrc.ca.gov. Comments may also be made orally at the upcoming Commission meeting (scheduled for February 7, 2019), which will be open to the public. The agenda is available at http://www.clrc.ca.gov/Menu1_meetings/agenda.html.

Contents

DIVISION 10. ACCESS TO PUBLIC RECORDS	1
PART 1. GENERAL PROVISIONS	1
CHAPTER 1. PRELIMINARY PROVISIONS	1
Article 1. Short Titles	1
§ 7920.000. California Public Records Act	1
§ 7920.005. CPRA Recodification Act of 2020	2
Article 2. Effect of Recodification	2
§ 7920.100. Nonsubstantive reform	2
§ 7920.105. Continuation of existing law	3
§ 7920.110. Judicial decision interpreting former law	3
§ 7920.115. Attorney General opinion interpreting former law	4
§ 7920.120. Constitutionality	4
Article 3. Effect of Division	5
§ 7920.200. Effect of division	5
CHAPTER 2. DEFINITIONS	5
§ 7920.300. “Agency”	5
§ 7920.500. “Former Section 6254 provisions”	5
§ 7920.505. “Local agency”	7
§ 7920.510. “Member of the public”	8
§ 7920.515. “Person”	8
§ 7920.520. “Public agency”	8
§ 7920.525. “Public records”	8
§ 7920.530. “Public safety official”	8
§ 7920.535. “State agency”	11
§ 7920.537. “Trade secret”	11
§ 7920.540. “Writing”	11
PART 2. DISCLOSURE AND EXEMPTIONS GENERALLY	11
CHAPTER 1. RIGHT OF ACCESS TO PUBLIC RECORDS	11
§ 7921.000. Legislative findings and declarations	11
§ 7921.005. Control of disclosure of information by another party	12
§ 7921.010. Providing public record to private entity	12
CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE	12
Article 1. Nondiscrimination	12
§ 7921.300. Prohibition on limitation of access based on purpose of request	12
§ 7921.305. Access by elected member or officer of agency	12
§ 7921.310. Nondiscrimination by local agency in disclosure to members of local legislative body	13
Article 2. Voluntary Disclosure	13
§ 7921.500. Voluntary disclosure by agency	13
§ 7921.505. Waiver of exemption based on disclosure	13
Article 3. Disclosure to District Attorney and Related Matters	14
§ 7921.700. Inspection or copying of public record by district attorney	14
§ 7921.705. Enforcement of district attorney’s right to inspect or copy	15
§ 7921.710. Effect of disclosure to district attorney	15
CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE	16
Article 1. Justification for Withholding of Record	16
§ 7922.000. Justification for withholding of record	16
Article 2. Truncation of Social Security Numbers and Related Matters	16

§ 7922.200. Redaction of SSN by local agency	16
§ 7922.205. Truncation of SSN by county recorder	16
§ 7922.210. Truncation of SSN with regard to secured transaction	16
PART 3. PROCEDURES	17
CHAPTER 1. REQUEST FOR A PUBLIC RECORD	17
Article 1. General Principles	17
§ 7922.500. No delay or obstruction	17
§ 7922.505. Option to adopt requirements that allow faster, more efficient, or greater access than minimum standards	17
Article 2. Procedural Requirements Generally	17
§ 7922.525. Inspection of public record	17
§ 7922.530. Copy of public record	18
§ 7922.535. Time to respond	18
§ 7922.540. Denial of request	19
§ 7922.545. Posting public record on agency’s Internet Web site	19
Article 3. Information in Electronic Format	20
§ 7922.570. Disclosure of information in electronic format	20
§ 7922.575. Cost of duplication	21
§ 7922.580. Limitations	21
Article 4. Duty to Assist in Formulating Request	21
§ 7922.600. Duty to provide assistance	21
§ 7922.605. Inapplicability of article	22
CHAPTER 2. AGENCY REGULATIONS, GUIDELINES, SYSTEMS, AND SIMILAR MATTERS	22
Article 1. Agency Regulations and Guidelines	22
§ 7922.630. Authority to adopt regulations	22
§ 7922.635. Agencies required to establish and make available written guidelines for accessibility of records	23
§ 7922.640. Limitations on guidelines and regulations	24
Article 2. Internet Resources	24
§ 7922.680. Formatting of record that local agency posts on Internet Resource	24
Article 3. Catalog of Enterprise Systems	25
§ 7922.700. “Enterprise system”	25
§ 7922.705. “System of record”	25
§ 7922.710. Creation of catalog	25
§ 7922.715. Availability of catalog	26
§ 7922.720. Content of catalog	26
§ 7922.725. Construction of article	26
PART 4. ENFORCEMENT	27
CHAPTER 1. GENERAL PRINCIPLES	27
§ 7923.000. Right to seek enforcement of request	27
§ 7923.005. Court to set schedule that promotes prompt decision	27
CHAPTER 2. PROCEDURE	27
Article 1. Petition to Superior Court	27
§ 7923.100. Verified petition and order to show cause	27
§ 7923.105. Material to be considered by court	27
§ 7923.110. Decision and order	28
§ 7923.115. Costs and attorney fees	28
§ 7923.120. Failure to obey order as grounds for contempt	28
Article 2. Appellate Review	28
§ 7923.500. Order reviewable by petition for extraordinary writ	28
§ 7923.505. Time for filing writ petition	29

§ 7923.510. Stay of judgment or order	29
PART 5. SPECIFIC TYPES OF PUBLIC RECORDS	29
CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT	29
Article 1. Law Enforcement Records Generally	29
§ 7923.600. Law enforcement exemption	29
§ 7923.605. Disclosure of incident information	30
§ 7923.610. Disclosure of arrest information	30
§ 7923.615. Disclosure of information relating to complaints or requests for assistance	31
§ 7923.620. Disclosure of arrestee’s address or victim’s address for specified purposes	32
§ 7923.625. Video or audio recording relating to critical incident.....	33
Article 2. Obtaining Access to Law Enforcement Records	35
§ 7923.650. District attorney’s request to inspect licensing records	35
§ 7923.655. Required documentation as prerequisite to receipt of information	35
Article 3. Records of Emergency Communications to Public Safety Authorities	35
§ 7923.700. Emergency information	35
Article 4. Records Specifically Relating to Crime Victims	36
§ 7923.750. Video and audio recordings	36
§ 7923.755. Records of the California Victim Compensation Board.....	36
Article 5. Firearm Licenses and Related Records	37
§ 7923.800. Personal information.....	37
§ 7923.805. Address and telephone number of person in criminal justice field	37
CHAPTER 2. ELECTION MATERIALS AND PETITIONS	38
Article 1. Voter Information.....	38
§ 7924.000. Voter registration information	38
§ 7924.005. Information identifying requester of bilingual ballot or ballot pamphlet	38
Article 2. Initiative, Referendum, Recall, and Other Petitions and Related Materials	39
§ 7924.100. “Petition”	39
§ 7924.105. “Proponent of the petition”	39
§ 7924.110. Initiative, referendum, or recall petition, or petition for reorganization of school districts or community college districts	39
CHAPTER 3. ENVIRONMENTAL PROTECTION, BUILDING STANDARDS, AND SAFETY REQUIREMENTS	40
Article 1. Pesticide Safety and Efficacy Information Disclosable Under the Federal Insecticide, Fungicide, and Rodenticide Act	40
§ 7924.300. Disclosure of pesticide safety and efficacy information.....	40
§ 7924.305. Data submitted and designated as trade secret	41
§ 7924.310. Prohibition on disclosure of application or registration information to person with specified foreign connection.....	42
§ 7924.315. Information needed to determine whether pesticide or ingredient causes unreasonable adverse effect on health or environment.....	43
§ 7924.320. Recordkeeping and notification	43
§ 7924.325. Effect of frivolous request	44
§ 7924.330. Penalty for willfully disclosing material prohibited from disclosure by this article	44
§ 7924.335. Conditional operation	44
Article 2. Pollution	44
§ 7924.500. Information received or compiled by air pollution control officer.....	44
§ 7924.505. Financial data in application under California Pollution Control Financing Authority Act	45
§ 7924.510. Pollution information generally	45
Article 3. Building Standards and Safety Requirements	46
§ 7924.700. Record relating to housing or building violation	46

Article 4. Enforcement Orders	47
§ 7924.900. Internet posting of final enforcement orders of California Environmental Protection Agency and specified entities within that agency	47
CHAPTER 4. FINANCIAL RECORDS AND TAX RECORDS	47
§ 7925.000. Confidential taxpayer information required in collection of local taxes	47
§ 7925.005. Personal financial records required by licensing agency	48
§ 7925.010. Financial data relating to service contractor	48
CHAPTER 5. HEALTH CARE	48
Article 1. Accreditation	48
§ 7926.000. Final accreditation report of Joint Commission on Accreditation of Hospitals	48
Article 2. Advance Health Care Directive and Related Matters	48
§ 7926.100. Information provided for purpose of registration in Advance Health Care Directive Registry	48
Article 3. Contracts and Negotiations	49
§ 7926.200. Health facility disclosing relevant financing information to certified bargaining agent	49
§ 7926.205. Specified records of health plan licensed under Knox-Keene Act and governed by board of supervisors	49
§ 7926.210. Records of municipal hospital or local hospital district that relate to contract with insurer or nonprofit hospital service plan for alternative rates	50
§ 7926.215. Records relating to contracts for health care services for Department of Corrections and Rehabilitation	50
§ 7926.220. Specified records of state agency relating to selective provider contracts, county health systems, or Geographic Managed Care Pilot Project	51
§ 7926.225. Specified records of Managed Risk Medical Insurance Board and State Department of Health Care Services	52
§ 7926.230. Additional records of Managed Risk Medical Insurance Board and State Department of Health Care Services	53
§ 7926.235. Records of Managed Risk Medical Insurance Board relating to Small Employer Health Insurance	54
Article 4. In-Home Supportive Services and Personal Care Services	55
§ 7926.300. Information regarding persons paid by state to provide in-home supportive services or personal care services	55
Article 5. Reproductive Health Services Facility	56
§ 7926.400. Definitions	56
§ 7926.405. Personal information regarding employees or specified other persons associated with reproductive health services facility	57
§ 7926.410. Proceeding for access to employment history information	57
§ 7926.415. Notification requirement for individual	57
§ 7926.420. Duration of privacy protections	58
§ 7926.425. Notice of separation	58
§ 7926.430. Disclosure of data regarding age, race, ethnicity, national origin, or gender, without individually identifiable information	59
Article 6. Web Sites and Related Matters	59
§ 7926.500. Implementation of CPRA by health care district	59
CHAPTER 6. HISTORICALLY OR CULTURALLY SIGNIFICANT MATTERS	59
§ 7927.000. Native American sacred places, features, and objects	59
§ 7927.005. Archaeological site information and reports	59
CHAPTER 7. LIBRARY RECORDS	60
§ 7927.100. Library circulation records and library and museum materials	60
§ 7927.105. Patron use records of library supported by public funds	60
CHAPTER 8. LITIGATION RECORDS	61

§ 7927.200. Records relating to pending litigation or pending claim	61
§ 7927.205. Memorandum of legal counsel relating to pending litigation.....	61
CHAPTER 9. MISCELLANEOUS PUBLIC RECORDS	62
§ 7927.300. Computer software	62
§ 7927.305. Confidential information relating to utility systems development, or market or crop reports	62
CHAPTER 10. PERSONAL INFORMATION AND CUSTOMER RECORDS	62
§ 7927.400. Personal information electronically collected by state agency.....	62
§ 7927.405. Residence or mailing address in records of Department of Motor Vehicles	62
§ 7927.410. Personal information of local agency utility customers	63
§ 7927.415. Residence address in records of Department of Housing and Community Development.....	63
§ 7927.420. Information relating to deceased minor foster child.....	63
CHAPTER 11. PRELIMINARY DRAFTS AND SIMILAR MATERIALS	64
§ 7927.500. Preliminary drafts, notes, or interagency or intra-agency memoranda not ordinarily retained.....	64
CHAPTER 12. PRIVATE INDUSTRY	64
§ 7927.600. Identity of private industry employer obtained in conjunction with collection of private industry wage data	64
§ 7927.605. Records relating to siting of private company	64
CHAPTER 13. PRIVATE RECORDS, PRIVILEGED MATERIALS, AND OTHER RECORDS PROTECTED BY LAW FROM DISCLOSURE	65
§ 7927.700. Personnel, medical, and similarly private files.....	65
§ 7927.705. Privileged records and other records protected by law from disclosure.....	65
DISPOSITION OF FORMER LAW	67
DERIVATION OF NEW LAW	71
CORRECTED CROSS-REFERENCES.....	75
MINOR CLEAN-UP ISSUES FOR POSSIBLE FUTURE LEGISLATIVE ATTENTION	79

DRAFT LEGISLATION

1 **Note.** This is a work in progress. The material shown below may be changed. For the current
2 tentative outline of proposed Division 10 of Title 1 of the Government Code, see CLRC Staff
3 Memorandum 2018-64.

4 A draft of an official Commission “Comment” follows each proposed code section in the
5 proposed recodification. Such Comments will be included in any final recommendation. The
6 Comments indicate the source of each recodified code section (or provision within the code section)
7 and describe how the recodified code section (or provision) compares with prior law. Courts have
8 routinely held that the Commission’s Comments are evidence of legislative intent with regard to
9 any legislation that implements a Commission recommendation.

10 There is a “disposition table” at the end of the proposed recodification. It summarizes, in tabular
11 form, the disposition of every provision of the existing code that has been included in this proposed
12 recodification.

13 There is also a “derivation table” at the end of the proposed recodification. It summarizes, in
14 tabular form, the statutory derivation of every new code provision in this proposed recodification.

15 Some provisions in this draft are followed by a “Note.” Most of the Notes are intended to be
16 temporary and will not be part of the Commission’s final recommendation. In general, the Notes
17 serve to flag issues requiring special attention or treatment.

18 Some provisions in this draft contain a bracketed reference to one or more existing code sections.
19 As new Division 10 is drafted, these references will be conformed to the new numbering scheme.

20 In some places, it is necessary to refer to a section that has not yet been drafted. That is done by
21 referring to “Section 79xx.xxx.” The Commission will fill in these references as it drafts the
22 proposed recodification.

23 All of the proposed provisions would be located in the Government Code. All references are to
24 the Government Code unless otherwise indicated.

25 The Commission welcomes public comment on any issue relating to the content of this draft or
26 any other aspect of its ongoing CPRA Clean-Up study. Comments should be directed to Barbara
27 Gaal (bgaal@clrc.ca.gov).

28 **Gov’t Code §§ 7920.000-79xx.xxx (added). California Public Records Act**

29 SEC. _____. Division 10 (commencing with Section 7920.000) is added to Title 1
30 of the Government Code, to read:

31 **DIVISION 10. ACCESS TO PUBLIC RECORDS**

32 **PART 1. GENERAL PROVISIONS**

33 **CHAPTER 1. PRELIMINARY PROVISIONS**

34 **Article 1. Short Titles**

35 **§ 7920.000. California Public Records Act**

36 7920.000. This division shall be known and may be cited as the California Public
37 Records Act.

38 **Comment.** Section 7920.000 continues former Section 6251 without substantive change. The
39 California Public Records Act or “CPRA” was formerly codified as Chapter 3.5 (commencing with
40 Section 6250) of Division 7 of this title.

1 For a similar law pertaining to federal agencies, see 5 U.S.C. § 552 (“Freedom of Information
2 Act” or “FOIA”).

3 For a key constitutional provision on “access to information concerning the conduct of the
4 people’s business,” see Cal. Const. art. I, § 3(b).

5 For guidance on access to legislative records, see Gov’t Code §§ 9070-9080 (“Legislative Open
6 Records Act”). For discussion of provisions and doctrines governing access to judicial records, see,
7 e.g., NBC Subsidiary (KNBC-TV), Inc. v. Superior Court, 20 Cal. 4th 1178, 980 P.2d 330, 86 Cal.
8 Rptr. 2d 778 (1999). For a law on access to the records of certain quasi-public entities, see Educ.
9 Code §§ 72690-72701, 89913-89919, 92950-92961 (Richard McKee Transparency Act).

10 For guidance on record retention, see, e.g., Gov’t Code §§ 9080 (legislative records), 12220-
11 12237 (State Archives), 14740-14746 (State Records Storage Act), 26201-26202.6 (county
12 records), 34090-34090.8 (city records), 68150-68152 (trial court records). See also Gov’t Code §§
13 12270-12279 (State Records Management Act).

14 Many other statutes and sources of law govern public records. For instance, the following statutes
15 are located in Division 7 of this title, where the CPRA was formerly codified: Gov’t Code §§ 6200-
16 6203 (crimes relating to public records, documents and certificates), 6204-6204.4 (public records
17 protection and recovery), 6205-6210 (address confidentiality for victims of domestic violence,
18 sexual assault, and stalking), 6215-6216 (address confidentiality for reproductive health care
19 service providers, employees, volunteers, and patients), 6219 (governmental linguistics).

20 **§ 7920.005. CPRA Recodification Act of 2020**

21 7920.005. This division recodifies the provisions of former Chapter 3.5
22 (commencing with Section 6250) of Division 7 of this title. The act that added this
23 division shall be known and may be cited as the “CPRA Recodification Act of
24 2020.”

25 **Comment.** Section 7920.005 provides a convenient means of referring to the recodification of
26 former Sections 6250-6276.48. For background, see *California Public Records Act Clean-Up*, __
27 Cal. L. Revision Comm’n Reports __ (2019).

28 **Note.** In drafting proposed Section 7920.005, the Commission assumed that it will approve a
29 final recommendation in this study in 2019 and seek introduction of implementing legislation in
30 2020. The dates in Section 7920.005 and the accompanying Comment will require adjustment if
31 those assumptions prove incorrect.

32 **Article 2. Effect of Recodification**

33 **§ 7920.100. Nonsubstantive reform**

34 7920.100. Nothing in the CPRA Recodification Act of 2020 is intended to
35 substantively change the law relating to inspection of public records. The act is
36 intended to be entirely nonsubstantive in effect. Every provision of this division and
37 every other provision of this act, including, without limitation, every cross-reference
38 in every provision of the act, shall be interpreted consistent with the nonsubstantive
39 intent of the act.

40 **Comment.** Section 7920.100 is modeled on Penal Code Section 16005. It makes clear that the
41 CPRA Recodification Act of 2020 has no substantive impact. The act is intended solely to make
42 the California Public Records Act more user-friendly. For background, see *California Public
43 Records Act Clean-Up*, __ Cal. L. Revision Comm’n Reports __ (2019).

44 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
45 provision in this division, see Section 7920.110. For specific guidance on the impact of an Attorney

1 General opinion interpreting a predecessor of a provision in this division, see Section 7920.115.
2 For specific guidance on the impact of a judicial decision or Attorney General opinion assessing
3 the constitutionality of a predecessor of a provision in this division, see Section 7920.120.

4 See Sections 7920.005 (“CPRA Recodification Act of 2020”), 7920.525 (“public records”).

5 **§ 7920.105. Continuation of existing law**

6 7920.105. (a) A provision of this division, or any other provision of the CPRA
7 Recodification Act of 2020, insofar as it is substantially the same as a previously
8 existing provision relating to the same subject matter, shall be considered as a
9 restatement and continuation thereof and not as a new enactment.

10 (b) A reference in a statute to a previously existing provision that is restated and
11 continued in this division, or in any other provision of the CPRA Recodification Act
12 of 2020, shall, unless a contrary intent appears, be deemed a reference to the
13 restatement and continuation.

14 (c) A reference in a statute to a provision of this division, or any other provision
15 of the CPRA Recodification Act of 2020, which is substantially the same as a
16 previously existing provision, shall, unless a contrary intent appears, be deemed to
17 include a reference to the previously existing provision.

18 **Comment.** Subdivision (a) of Section 7920.105 is similar to Section 2, which is a standard
19 provision found in many codes. See, e.g., Bus. & Prof. Code § 2; Corp. Code § 2; Fam. Code § 2;
20 Penal Code §§ 5, 16010(a); Prob. Code § 2(a); Veh. Code § 2.

21 Subdivision (b) is drawn from Section 9604 and Penal Code Section 16010(b).

22 Subdivision (c) is drawn from Family Code Section 2 and Penal Code Section 16010(c).

23 See Section 7920.005 (“CPRA Recodification Act of 2020”).

24 **§ 7920.110. Judicial decision interpreting former law**

25 7920.110. (a) A judicial decision interpreting a previously existing provision is
26 relevant in interpreting any provision of this division, or any other provision of the
27 CPRA Recodification Act of 2020, which restates and continues that previously
28 existing provision.

29 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
30 has not evaluated the correctness of any judicial decision interpreting a provision
31 affected by the act.

32 (c) The CPRA Recodification Act of 2020 is not intended to, and does not, reflect
33 any assessment of any judicial decision interpreting any provision affected by the
34 act.

35 **Comment.** Section 7920.110 is modeled on Penal Code Section 16020.

36 Subdivision (a) makes clear that case law construing a predecessor provision is relevant in
37 construing its successor in the CPRA Recodification Act of 2020.

38 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250–6276.48, the
39 Legislature has not taken any position on any case interpreting any of those provisions.

40 For specific guidance on the impact of an Attorney General opinion interpreting a predecessor
41 of a provision in this division, see Section 7920.115. For specific guidance on the impact of a
42 judicial decision or Attorney General opinion assessing the constitutionality of a predecessor of a
43 provision in this division, see Section 7920.120. For general guidance on the nonsubstantive impact
44 of the CPRA Recodification Act of 2020, see Section 7920.100.

45 See Section 7920.005 (“CPRA Recodification Act of 2020”).

1 **§ 7920.115. Attorney General opinion interpreting former law**

2 7920.115. (a) An opinion of the Attorney General interpreting a previously
3 existing provision is relevant in interpreting any provision of this division, or any
4 other provision of the CPRA Recodification Act of 2020, which restates and
5 continues that previously existing provision.

6 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
7 has not evaluated the correctness of any Attorney General opinion interpreting a
8 provision affected by the act.

9 (c) The CPRA Recodification Act of 2020 is not intended to, and does not, reflect
10 any assessment of any Attorney General opinion interpreting any provision affected
11 by the act.

12 **Comment.** Section 7920.115 is comparable to Section 7920.110, but it pertains to Attorney
13 General opinions rather than judicial decisions.

14 Subdivision (a) makes clear that Attorney General opinions construing a predecessor provision
15 are relevant in construing its successor in the CPRA Recodification Act of 2020.

16 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the
17 Legislature has not taken any position on any Attorney General opinion interpreting any of those
18 provisions.

19 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
20 provision in this division, see Section 7920.110. For specific guidance on the impact of a judicial
21 decision or Attorney General opinion assessing the constitutionality of a predecessor of a provision
22 in this division, see Section 7920.120. For general guidance on the nonsubstantive impact of the
23 CPRA Recodification Act of 2020, see Section 7920.100.

24 See Section 7920.005 (“CPRA Recodification Act of 2020”).

25 **§ 7920.120. Constitutionality**

26 7920.120. (a) A judicial decision or Attorney General opinion on the
27 constitutionality of a previously existing provision is relevant in determining the
28 constitutionality of any provision of this division, or any other provision of the
29 CPRA Recodification Act of 2020, which restates and continues that previously
30 existing provision.

31 (b) However, in enacting the CPRA Recodification Act of 2020, the Legislature
32 has not evaluated the constitutionality of any provision affected by the act, or the
33 correctness of any judicial decision or Attorney General opinion on the
34 constitutionality of any provision affected by the act.

35 (c) The CPRA Recodification Act of 2020 is not intended to, and does not, reflect
36 any determination of the constitutionality of any provision affected by the act.

37 **Comment.** Section 7920.120 is modeled on Penal Code Section 16025. Due to the prevalence
38 and significant impact of Attorney General opinions on CPRA issues, the section expressly refers
39 to Attorney General opinions as well as judicial decisions.

40 Subdivision (a) makes clear that case law and Attorney General opinions on the constitutionality
41 of a predecessor provision are relevant in determining the constitutionality of its successor in the
42 CPRA Recodification Act of 2020.

43 Subdivisions (b) and (c) make clear that in recodifying former Sections 6250-6276.48, the
44 Legislature has not taken any position on the constitutionality of any of those provisions.

45 For specific guidance on the impact of a judicial decision interpreting a predecessor of a
46 provision in this division, see Section 7920.110. For specific guidance on the impact of an Attorney

1 General opinion interpreting a predecessor of a provision in this division, see Section 7920.115.
2 For general guidance on the nonsubstantive impact of the CPRA Recodification Act of 2020, see
3 Section 7920.100.

4 See Section 7920.005 (“CPRA Recodification Act of 2020”).

5 Article 3. Effect of Division

6 § 7920.200. Effect of division

7 7920.200. The provisions of this division shall not be deemed in any manner to
8 affect the status of judicial records as it existed immediately prior to the effective
9 date of the provision that is continued in this section, nor to affect the rights of
10 litigants, including parties to administrative proceedings, under the laws of
11 discovery of this state, nor to limit or impair any rights of discovery in a criminal
12 case.

13 **Comment.** Section 7920.200 continues former Section 6260 without substantive change.

14 Former Section 6260 was enacted in 1968 (see 1968 Cal. Stat. ch. 1473, § 39) and amended in
15 1976 to insert the phrase “nor to limit or impair any rights of discovery in a criminal case” (see
16 1976 Cal. Stat. ch. 314, § 2). The effective date of the original enactment was January 1, 1969. See
17 Cal. Const. art. IV, § 8(c)(1); Gov’t Code § 9600(a).

18 CHAPTER 2. DEFINITIONS

19 § 7920.300. “Agency”

20 7920.300. As used in Section 7921.505, “agency” includes a member, agent,
21 officer, or employee of the agency acting within the scope of that membership,
22 agency, office, or employment.

23 **Comment.** Section 7920.300 continues the second sentence of former Section 6254.5 without
24 substantive change.

25 § 7920.500. “Former Section 6254 provisions”

26 7920.500. (a) The following provisions are continuations of provisions that were
27 included in former Section 6254 as that section read when it was repealed by the
28 CPRA Recodification Act of 2020:

29 (1) [Section 6254(a) = proposed Section 7927.500]

30 (2) [Section 6254(b) = proposed Section 7927.200]

31 (3) [Section 6254(c) = proposed Section 7927.700]

32 (4) [Section 6254(d)]

33 (5) [Section 6254(e) = proposed Section 7927.305]

34 (6) [Section 6254(f) = proposed Article 1 (commencing with Section 7923.600)
35 of Chapter 1 of Part 5]

36 (7) [Section 6254(g)]

37 (8) [Section 6254(h)]

38 (9) [Section 6254(i) = proposed Section 7925.000]

39 (10) [Section 6254(j) = proposed Section 7927.100]

- 1 (11) [Section 6254(k) = proposed Section 7927.795]
- 2 (12) [Section 6254(l)]
- 3 (13) [Section 6254(m)]
- 4 (14) [Section 6254(n) = proposed Section 7925.005]
- 5 (15) [Section 6254(o) = proposed Section 7924.505]
- 6 (16) [Section 6254(p)]
- 7 (17) [Section 6254(q) = proposed Section 7926.220]
- 8 (18) [Section 6254(r) = proposed Section 7927.000]
- 9 (19) [Section 6254(s) = proposed Section 7926.000]
- 10 (20) [Section 6254(t) = proposed Section 7926.210]
- 11 (21) [Section 6254(u)(1) = proposed Section 7923.800]
- 12 (22) [Section 6254(u)(2)-(3) = proposed Section 7923.805]
- 13 (23) [Section 6254(v) = proposed Section 7926.225]
- 14 (24) [Section 6254(w) = proposed Section 7926.235]
- 15 (25) [Section 6254(x) = proposed Section 7924.010]
- 16 (26) [Section 6254(y) = proposed Section 7926.230]
- 17 (27) [Section 6254(z)]
- 18 (28) [Section 6254(aa)]
- 19 (29) [Section 6254(ab)]
- 20 (30) [Section 6254(ac) = proposed Section 7926.100]
- 21 (31) [Section 6254(ad)]
- 22 (32) [Section 6254 2d-to-last ¶ = proposed Section 7921.500]
- 23 (33) [Section 6254 last ¶ = proposed Section 7926.200]

24 (b) The provisions listed in subdivision (a) may be referred to as “former Section
25 6254 provisions.”

26 (c) Subdivision (a) does not include any provision that was first codified in one of
27 the specified numerical ranges after the effective date of the CPRA Recodification
28 Act of 2020.

29 **Comment.** Section 7920.500 is new. It provides a convenient means of referring to the
30 provisions that comprised former Section 6254.

31 For a disposition table showing where each provision in former Section 6254 was recodified, as
32 well as a derivation table showing the source of each provision in the CPRA Recodification of
33 2020, see *California Public Records Act Clean-Up*, __ Cal. L. Revision Comm’n Reports __
34 (2019).

35 See Section 7920.005 (“CPRA Recodification Act of 2020”).

36 **Note.** Proposed Section 7920.500 is modeled on several provisions in the Deadly Weapons
37 Recodification Act of 2010. See Penal Code §§ 16575 (“Former Article 4 of Chapter 1 provisions”),
38 16580 (“Former Chapter 1 provisions”), 16585 (“Former Section 12078 provisions”). It is included
39 for drafting convenience.

40 The list of bracketed provisions is based on the Commission’s tentative outline, which shows
41 how the Commission plans to divide up the substance of existing Section 6254 (an overly long
42 provision that calls for reorganization). For purposes of preparing this list, the Commission has
43 assumed that the various definitions scattered throughout Section 6254 will remain in proximity to
44 the associated substantive material, instead of being placed in “Chapter 2. Definitions.” The
45 Commission will make adjustments as necessary if that assumption later proves incorrect.

1 § 7920.505. “Local agency”

2 7920.505. As used in this division, “local agency” includes any of the following:

3 (a) A county.

4 (b) A city, whether general law or chartered.

5 (c) A city and county.

6 (d) A school district.

7 (e) A municipal corporation.

8 (f) A district.

9 (g) A political subdivision.

10 (h) Any board, commission, or agency of the foregoing.

11 (i) Another local public agency.

12 (j) An entity that is a legislative body of a local agency pursuant to subdivision
13 (c) or (d) of Section 54952.

14 **Comment.** Section 7920.505 continues former Section 6252(a) without substantive change.

15 In subdivision (j), the erroneous reference to “subdivisions (c) *and* (d) of Section 54952 that
16 appeared in former Section 6252(a) has been replaced with a reference to “subdivision (c) *or* (d) of
17 Section 54952.” (Emphasis added.) This is a technical correction.

18 See Section 7920.520 (“public agency”).

19 **Note.** Existing Section 6252(a) includes as a local agency an entity that is a legislative body of
20 a local agency pursuant to “subdivisions (c) *and* (d) of Section 54952.” (Emphasis added).

21 Those subdivisions provide:

22 54952. As used in this chapter, “legislative body” means:

23

24 (c)(1) A board, commission, committee, or other multimember body that governs a
25 private corporation, limited liability company, or other entity that either:

26 (A) Is created by the elected legislative body in order to exercise authority that may
27 lawfully be delegated by the elected governing body to a private corporation, limited liability
28 company, or other entity.

29 (B) Receives funds from a local agency and the membership of whose governing body
30 includes a member of the legislative body of the local agency appointed to that governing
31 body as a full voting member by the legislative body of the local agency.

32 (2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission,
33 committee, or other multimember body that governs a private corporation, limited liability
34 company, or other entity that receives funds from a local agency and, as of February 9, 1996,
35 has a member of the legislative body of the local agency as a full voting member of the
36 governing body of that private corporation, limited liability company, or other entity shall be
37 relieved from the public meeting requirements of this chapter by virtue of a change in status
38 of the full voting member to a nonvoting member.

39 (d) The lessee of any hospital the whole or part of which is first leased pursuant to
40 subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where
41 the lessee exercises any material authority of a legislative body of a local agency delegated
42 to it by that legislative body whether the lessee is organized and operated by the local agency
43 or by a delegated authority.

44 Given the content of these provisions, it seems improbable that the Legislature intended to
45 require an entity to satisfy the requirements of *both* subdivisions to qualify as a “local agency”
46 under Section 6252(a). Proposed Section 7920.505(j) would continue this cross-reference as
47 “subdivisions (c) *or* (d) of Section 54952.” (Emphasis added.)

1 **The Commission welcomes input on any aspect of its proposed recodification, but would**
2 **especially appreciate public comment on this revision.**

3 **§ 7920.510. “Member of the public”**

4 7920.510. As used in this division, “member of the public” means any person
5 other than a member, agent, officer, or employee of a federal, state, or local agency
6 who is acting within the scope of that membership, agency, office, or employment.

7 **Comment.** Section 7920.510 continues former Section 6252(b) without substantive change.
8 See Sections 7920.505 (“local agency”), 7920.515 (“person”).

9 **§ 7920.515. “Person”**

10 7920.515. As used in this division, “person” includes any natural person,
11 corporation, partnership, limited liability company, firm, or association.

12 **Comment.** Section 7920.515 continues former Section 6252(c) without substantive change.

13 **§ 7920.520. “Public agency”**

14 7920.520. (a) As used in this division, “public agency” means any state or local
15 agency.

16 (b) As used in Article 5 (commencing with Section 7926.400) of Chapter 5 of Part
17 5, “public agency” means an entity specified in subdivision (c) of Section 7926.400.

18 **Comment.** Subdivision (a) of Section 7920.520 continues former Section 6252(d) without
19 substantive change.

20 Subdivision (b) is new. It is intended to help persons locate the special definition of “public
21 agency” that applies to the article on reproductive health services facilities (Sections 7926.400-
22 7926.430).

23 See Sections 7920.505 (“local agency”), 7020.535 (“state agency”).

24 **§ 7920.525. “Public records”**

25 7920.525. (a) As used in this division, “public records” includes any writing
26 containing information relating to the conduct of the public’s business prepared,
27 owned, used, or retained by any state or local agency regardless of physical form or
28 characteristics.

29 (b) “Public records” in the custody of, or maintained by, the Governor’s office
30 means any writing prepared on or after January 6, 1975.

31 **Comment.** Section 7920.525 continues former Section 6252(e) without substantive change.
32 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”), 7920.540 (“writing”).

33 **§ 7920.530. “Public safety official”**

34 7920.530. As used in this division, “public safety official” means the following
35 parties, whether active or retired:

36 (a) A peace officer as defined in Sections 830 to 830.65, inclusive, of the Penal
37 Code, or a person who is not a peace officer, but may exercise the powers of arrest
38 during the course and within the scope of the person’s employment pursuant to
39 Section 830.7 of the Penal Code.

1 (b) A public officer or other person listed in Section 1808.2 or 1808.6 of the
2 Vehicle Code.

3 (c) An “elected or appointed official” as defined in [subdivision (f) of Section
4 6254.21].

5 (d) An attorney employed by the Department of Justice, the State Public Defender,
6 or a county office of the district attorney or public defender, the United States
7 Attorney, or the Federal Public Defender.

8 (e) A city attorney and an attorney who represent cities in criminal matters.

9 (f) An employee of the Department of Corrections and Rehabilitation who
10 supervises inmates or is required to have care or custody of a prisoner.

11 (g) A sworn or nonsworn employee who supervises inmates in a city police
12 department, a county sheriff’s office, the Department of the California Highway
13 Patrol, federal, state, or a local detention facility, or a local juvenile hall, camp,
14 ranch, or home, and a probation officer as defined in Section 830.5 of the Penal
15 Code.

16 (h) A federal prosecutor, a federal criminal investigator, and a National Park
17 Service Ranger working in California.

18 (i) The surviving spouse or child of a peace officer defined in Section 830 of the
19 Penal Code, if the peace officer died in the line of duty.

20 (j) State and federal judges and court commissioners.

21 (k) An employee of the Attorney General, a district attorney, or a public defender
22 who submits verification from the Attorney General, district attorney, or public
23 defender that the employee represents the Attorney General, district attorney, or
24 public defender in matters that routinely place that employee in personal contact
25 with persons under investigation for, charged with, or convicted of, committing
26 criminal acts.

27 (l) A nonsworn employee of the Department of Justice or a police department or
28 sheriff’s office that, in the course of employment, is responsible for collecting,
29 documenting, and preserving physical evidence at crime scenes, testifying in court
30 as an expert witness, and other technical duties, and a nonsworn employee that, in
31 the course of employment, performs a variety of standardized and advanced
32 laboratory procedures in the examination of physical crime evidence, determines
33 their results, and provides expert testimony in court.

34 **Comment.** Section 7920.530 continues former Section 6254.24 without substantive change.

35 In subdivision (b), the erroneous reference to “Sections 1808.2 *and* 1808.6 of the Vehicle Code”
36 that appeared in former Section 6254.24(b) has been replaced with a reference to “Section 1808.2
37 *or* 1808.6 of the Vehicle Code.” (Emphasis added.) This is a technical correction.

38 In subdivision (g), the erroneous phrase “*and* a local juvenile hall, camp, ranch, or home” that
39 appeared in former Section 6254.24(g) has been replaced with the phrase “*or* a local juvenile hall,
40 camp, ranch, or home.” (Emphasis added.) This is a technical correction.

41 See Section 7920.515 (“person”).

42 **Notes.** (1) Existing Section 6254.24(b) includes as a public safety official a public officer or
43 other person listed in “Sections 1808.2 *and* 1808.6 of the Vehicle Code.” (Emphasis added).

44 The cross-referenced Vehicle Code sections provide:

1 1808.2. In addition to those specified in Section 1808.4, the home address of any
2 inspector or investigator regularly employed and paid as such in the office of a district
3 attorney or any peace officer employee of the Board of Prison Terms appearing in any record
4 of the department is confidential.

5 1808.6. (a) In addition to those specified in Section 1808.4, the home address of any of
6 the following persons, that appears in any record of the department, is confidential, if the
7 person requests the confidentiality of that information:

8 (1) The chairperson, executive officer, commissioners, and deputy commissioners of the
9 Board of Prison Terms.

10 (2) The chairperson, members, executive director, and hearing representatives of the
11 Youthful Offender Parole Board.

12 (3) The spouse or children of persons listed in this section, regardless of the spouse's or
13 child's place of residence.

14 (b) The confidential home address of any of the persons listed in subdivision (a) shall not
15 be disclosed to any person, except a court, a law enforcement agency, the State Board of
16 Equalization, or any governmental agency to which, under any provision of law, information
17 is required to be furnished from records maintained by the department.

18 (c) Any record of the department containing a confidential home address shall be open
19 to public inspection, as provided in Section 1808, if the address is completely obliterated or
20 otherwise removed from the record. The home address shall be withheld from public
21 inspection for three years following termination of office or employment, except with respect
22 to retired peace officers, whose home addresses shall be withheld from public inspection
23 permanently upon request of confidentiality at the time the information would otherwise be
24 opened. The department shall inform any person who requests a confidential home address
25 of the name of the agency that employs the individual whose address was requested.

26 Given the content of these provisions, it seems improbable that the Legislature intended to
27 require a person to be listed in *both* of the Vehicle Code provisions to qualify as a “public safety
28 official” within the meaning of Section 6254.24. In all likelihood, the cross-reference to “Sections
29 1808.2 *and* 1808.6 of the Vehicle Code” should be replaced by a reference to “Section 1808.2 *or*
30 1808.6 of the Vehicle Code.” Proposed Section 7920.530(b) would take that approach.

31 **The Commission welcomes input on any aspect of its proposed recodification, but would
32 especially appreciate public comment on this revision.**

33 (2) Existing Section 6254.24(g) includes as a public safety official an employee “who supervises
34 inmates in a city police department, a county sheriff’s office, the Department of the California
35 Highway Patrol, federal, state, or a local detention facility, *and* a local juvenile hall, camp, ranch,
36 or home....” (Emphasis added).

37 It seems improbable that the Legislature intended this provision to include as a “public safety
38 official” only an employee who supervises inmates in one of the enumerated facilities for adults
39 *and* in one of the enumerated facilities for juveniles. Proposed Section 7920.530(g) would refer
40 instead to an employee “who supervises inmates in a city police department, a county sheriff’s
41 office, the Department of the California Highway Patrol, federal, state, or a local detention facility,
42 *or* a local juvenile hall, camp, ranch, or home....” (Emphasis added).

43 **The Commission welcomes input on any aspect of its proposed recodification, but would
44 especially appreciate public comment on this revision.**

45 (3) Existing Section 6254.24(g) also includes as a public safety official “a probation officer as
46 defined in Section 830.5 of the Penal Code.” Although Penal Code Section 830.5 refers generically
47 to a “probation officer,” the section does not define nor in any way clarify the meaning of the term.
48 The term is also used in many other code sections without any definition. For further discussion of
49 this point, see CLRC Staff Memorandum 2017-50, pp. 8-10.

50 **The Commission welcomes input on any aspect of its proposed recodification, but would
51 especially appreciate public comment on whether the phrase “as defined in Section 830.5 of
52 the Penal Code” should be retained in proposed Section 7920.530(g).**

1 § 7920.535. “State agency”

2 7920.535. (a) As used in this division, “state agency” means every state office,
3 officer, department, division, bureau, board, and commission or other state body or
4 agency, except those agencies provided for in Article IV (except Section 20 thereof)
5 or Article VI of the California Constitution.

6 (b) Notwithstanding subdivision (a) or any other law, “state agency” also means
7 the State Bar of California, as described in Section 6001 of the Business and
8 Professions Code.

9 **Comment.** Section 7920.535 continues former Section 6252(f) without substantive change.

10 **Note.** Existing Section 6252(f) refers to “the State Bar of California, as described in Section 6001
11 of the Business and Professions Code.” Proposed Section 7920.535(b) would include the same
12 phrase, but legislation to restructure the State Bar was recently enacted. See 2017 Cal. Stat. ch. 422
13 (SB 36 (Jackson)). Because this is a strictly nonsubstantive study on an unrelated topic, the
14 Commission has not assessed whether the substance of Section 6252(f) requires revisions to reflect
15 the restructuring of the State Bar. If legislation to make such revisions is introduced, it could be
16 coordinated with the Commission’s proposal as needed to make sure that nothing is chaptered out.
17 See Section 9605.

18 § 7920.537. “Trade secret”

19 7920.537. (a) “Trade secret” is defined in subdivision (f) of Section 7924.305.

20 (b) Subdivision (f) of Section 7924.510 defines “trade secret” for purposes of that
21 section.

22 **Comment.** Section 7920.537 is new. It is intended to help persons locate the definitions of “trade
23 secret” used in the California Public Records Act.

24 § 7920.540. “Writing”

25 7920.540. As used in this division, “writing” means any handwriting, typewriting,
26 printing, photostating, photographing, photocopying, transmitting by electronic
27 mail or facsimile, and every other means of recording upon any tangible thing any
28 form of communication or representation, including letters, words, pictures, sounds,
29 or symbols, or combinations thereof, and any record thereby created, regardless of
30 the manner in which the record has been stored.

31 **Comment.** Section 7920.540 continues former Section 6252(g) without substantive change.

32 PART 2. DISCLOSURE AND EXEMPTIONS
33 GENERALLY

34 CHAPTER 1. RIGHT OF ACCESS TO PUBLIC RECORDS

35 § 7921.000. Legislative findings and declarations

36 7921.000. In enacting this division, the Legislature, mindful of the right of
37 individuals to privacy, finds and declares that access to information concerning the

1 conduct of the people’s business is a fundamental and necessary right of every
2 person in this state.

3 **Comment.** Section 7921.000 continues former Section 6250 without substantive change.
4 See Section 7920.515 (“person”).

5 **§ 7921.005. Control of disclosure of information by another party**

6 7921.005. A state or local agency may not allow another party to control the
7 disclosure of information that is otherwise subject to disclosure pursuant to this
8 division.

9 **Comment.** Section 7921.005 continues former Section 6253.3 without substantive change.
10 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

11 **§ 7921.010. Providing public record to private entity**

12 7921.010. (a) Notwithstanding any other provision of law, no state or local agency
13 shall sell, exchange, furnish, or otherwise provide a public record subject to
14 disclosure pursuant to this division to a private entity in a manner that prevents a
15 state or local agency from providing the record directly pursuant to this division.

16 (b) Nothing in this section requires a state or local agency to use the State Printer
17 to print public records.

18 (c) Nothing in this section prevents the destruction of a public record pursuant to
19 law.

20 (d) This section shall not apply to contracts entered into prior to January 1, 1996,
21 between the County of Santa Clara and a private entity, for the provision of public
22 records subject to disclosure under this division.

23 **Comment.** Section 7921.010 continues former Section 6270 without substantive change.
24 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state agency”).

25 **CHAPTER 2. GENERAL RULES GOVERNING DISCLOSURE**

26 **Article 1. Nondiscrimination**

27 **§ 7921.300. Prohibition on limitation of access based on purpose of request**

28 7921.300. This division does not allow limitations on access to a public record
29 based upon the purpose for which the record is being requested, if the record is
30 otherwise subject to disclosure.

31 **Comment.** Section 7921.300 continues former Section 6257.5 without substantive change.
32 See Section 7920.525 (“public records”).

33 **§ 7921.305. Access by elected member or officer of agency**

34 7921.305. (a) Notwithstanding the definition of “member of the public” in Section
35 7920.510, an elected member or officer of any state or local agency is entitled to
36 access to public records of that agency on the same basis as any other person.
37 Nothing in this section shall limit the ability of elected members or officers to access
38 public records permitted by law in the administration of their duties.

1 (b) This section does not constitute a change in, but is declaratory of, existing law.

2 **Comment.** Section 7921.305 continues former Section 6252.5 without substantive change.

3 See Sections 7920.505 (“local agency”), 7920.515 (“person”), 7920.525 (“public records”),
4 7920.535 (“state agency”).

5 **§ 7921.310. Nondiscrimination by local agency in disclosure to members of local legislative**
6 **body**

7 7921.310. Notwithstanding Section 7921.305 or any other provision of law, when
8 the members of a legislative body of a local agency are authorized to access a
9 writing of the body or of the agency as permitted by law in the administration of
10 their duties, the local agency, as defined in Section 54951, shall not discriminate
11 between or among any of those members as to which writing or portion thereof is
12 made available or when it is made available.

13 **Comment.** Section 7921.310 continues former Section 6252.7 without substantive change.

14 See Section 7920.540 (“writing”). See also Section 7920.505 (“local agency”); but see Section
15 54951 (“local agency”).

16 **Note.** The Commission identified what appears to be a minor clean-up issue relating to existing
17 Section 6252.7. See the attached list of “Minor Clean-Up Issues for Possible Future Legislative
18 Attention.” Because this is a strictly nonsubstantive study, the Commission did not attempt to
19 address that issue in drafting proposed Section 7921.310.

20 **Article 2. Voluntary Disclosure**

21 **§ 7921.500. Voluntary disclosure by agency**

22 7921.500. Unless disclosure is otherwise prohibited by law, the provisions listed
23 in Section 7920.500 do not prevent any agency from opening its records concerning
24 the administration of the agency to public inspection.

25 **Comment.** Section 7921.500 continues the next-to-last paragraph of former Section 6254
26 without substantive change.

27 See Section 7920.500 (“former Section 6254 provisions”).

28 **§ 7921.505. Waiver of exemption based on disclosure**

29 7921.505. (a) Notwithstanding any other law, if a state or local agency discloses
30 to a member of the public a public record that is otherwise exempt from this division,
31 this disclosure constitutes a waiver of the exemptions specified in:

32 (1) The provisions listed in Section 7920.500.

33 (2) Sections 7924.510 and 7924.700.

34 (3) Other similar provisions of law.

35 (b) This section, however, does not apply to any of the following disclosures:

36 (1) A disclosure made pursuant to the Information Practices Act (Chapter 1
37 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil
38 Code) or a discovery proceeding.

39 (2) A disclosure made through other legal proceedings or as otherwise required
40 by law.

1 (3) A disclosure within the scope of disclosure of a statute that limits disclosure
2 of specified writings to certain purposes.

3 (4) A disclosure not required by law, and prohibited by formal action of an elected
4 legislative body of the local agency that retains the writing.

5 (5) A disclosure made to a governmental agency that agrees to treat the disclosed
6 material as confidential. Only persons authorized in writing by the person in charge
7 of the agency shall be permitted to obtain the information. Any information obtained
8 by the agency shall only be used for purposes that are consistent with existing law.

9 (6) A disclosure of records relating to a financial institution or an affiliate thereof,
10 if the disclosure is made to the financial institution or affiliate by a state agency
11 responsible for regulation or supervision of the financial institution or affiliate.

12 (7) A disclosure of records relating to a person who is subject to the jurisdiction
13 of the Department of Business Oversight, if the disclosure is made to the person
14 who is the subject of the records for the purpose of corrective action by that person,
15 or, if a corporation, to an officer, director, or other key personnel of the corporation
16 for the purpose of corrective action, or to any other person to the extent necessary
17 to obtain information from that person for the purpose of an investigation by the
18 Department of Business Oversight.

19 (8) A disclosure made by the Commissioner of Business Oversight under Section
20 450, 452, 8009, or 18396 of the Financial Code.

21 (9) A disclosure of records relating to a person who is subject to the jurisdiction
22 of the Department of Managed Health Care, if the disclosure is made to the person
23 who is the subject of the records for the purpose of corrective action by that person,
24 or, if a corporation, to an officer, director, or other key personnel of the corporation
25 for the purpose of corrective action, or to any other person to the extent necessary
26 to obtain information from that person for the purpose of an investigation by the
27 Department of Managed Health Care.

28 **Comment.** Subdivision (a) of Section 7921.505 continues the first sentence of former Section
29 6254.5 without substantive change.

30 Subdivision (b) continues former Section 6254.5(a)-(i) without substantive change.

31 See Sections 7920.300 (“agency”), 7920.505 (“local agency”), 7920.510 (“member of the
32 public”), 7920.515 (“person”), 7920.525 (“public records”), 7920.535 (“state agency”), 7920.540
33 (“writing”).

34 **Note.** The Commission identified what appear to be some minor clean-up issues relating to
35 existing Section 6254.5. See the attached list of “Minor Clean-Up Issues for Possible Future
36 Legislative Attention.” Because this is a strictly nonsubstantive study, the Commission did not
37 attempt to address those issues in drafting proposed Section 7921.505.

38 Article 3. Disclosure to District Attorney and Related Matters

39 § 7921.700. Inspection or copying of public record by district attorney

40 7921.700. A state or local agency shall allow an inspection or copying of any
41 public record or class of public records not exempted by this division when
42 requested by a district attorney.

1 **Comment.** Section 7921.700 continues former Section 6263 without substantive change.
2 For guidance on enforcement of a district attorney’s right to inspect or copy public records, see
3 Section 7921.705. For a special rule governing a request by a district attorney for records of a
4 complaint to, or an investigation conducted by, a state or local agency for licensing purposes, see
5 Section 7923.650.
6 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state agency”).

7 **Note.** Subject to various limitations, Section 6254(f) creates a CPRA exemption for:
8 Records of complaints to, or investigations conducted by, or records of intelligence
9 information or security procedures of, the office of the Attorney General and the Department
10 of Justice, the Office of Emergency Services and any state or local police agency, or any
11 investigatory or security files compiled by any other state or local police agency, or any
12 investigatory or security files compiled by any other state or local agency for correctional,
13 law enforcement, or licensing purposes.
14 That exemption (commonly known as the “law enforcement exemption”) is subject to an
15 exception pertaining to a request by a district attorney. Section 6262 provides:
16 6262. The exemption of records of complaints to, or investigations conducted by, any
17 state or local agency for licensing purposes under subdivision (f) of Section 6254 shall not
18 apply when a request for inspection of such records is made by a district attorney.
19 The Commission considered the possibility of recodifying that exception in “Article 3.
20 Disclosure to District Attorney and Related Matters.” It seemed more helpful, however, to place
21 the exception in close proximity to the CPRA exemption to which it pertains — i.e., in close
22 proximity to the provision(s) that would continue the substance of Section 6254(f). That is the
23 approach taken in this draft and in the Commission’s tentative outline. See proposed Section
24 7923.650; Memorandum 2018-23, Attachment p. 6.
25 Because the exception specifically applies to a district attorney, however, the Comment to
26 proposed Section 7921.700 would refer to it. That should help alert readers to the existence of the
27 exception.
28 **Comments on this approach would be helpful.**

29 **§ 7921.705. Enforcement of district attorney’s right to inspect or copy**
30 7921.705. (a) If a district attorney makes a request to a state or local agency to
31 inspect or receive a copy of a public record or class of public records not exempted
32 by this division, and the state or local agency fails or refuses to allow inspection or
33 copying within 10 working days of that request, the district attorney may petition a
34 court of competent jurisdiction to require the state or local agency to allow the
35 requested inspection or copying.

36 (b) Unless the public interest or good cause in withholding the requested records
37 clearly outweighs the public interest in disclosure, the court may require the public
38 agency to allow the district attorney to inspect or copy those records.

39 **Comment.** Section 7921.705 continues former Section 6264 without substantive change.
40 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state agency”).

41 **§ 7921.710. Effect of disclosure to district attorney**
42 7921.710. Disclosure of records to a district attorney under the provisions of this
43 division shall effect no change in the status of the records under any other provision
44 of law.

1 **Comment.** Section 7921.710 continues former Section 6265 without substantive change.

2 CHAPTER 3. GENERAL RULES GOVERNING EXEMPTIONS FROM DISCLOSURE

3 Article 1. Justification for Withholding of Record

4 **§ 7922.000. Justification for withholding of record**

5 7922.000. An agency shall justify withholding any record by demonstrating that
6 the record in question is exempt under express provisions of this division, or that on
7 the facts of the particular case the public interest served by not disclosing the record
8 clearly outweighs the public interest served by disclosure of the record.

9 **Comment.** Section 7922.000 continues former Section 6255(a) without substantive change.

10 Article 2. Truncation of Social Security Numbers and Related Matters

11 **§ 7922.200. Redaction of SSN by local agency**

12 7922.200. (a) It is the intent of the Legislature that, in order to protect against the
13 risk of identity theft, a local agency shall redact social security numbers from a
14 record before disclosing the record to the public pursuant to this division.

15 (b) Nothing in this division shall be construed to require a local agency to disclose
16 a social security number.

17 (c) This section does not apply to a record maintained by a county recorder.

18 **Comment.** Section 7922.200 continues former Section 6254.29 without substantive change.
19 See Section 7920.505 (“local agency”).

20 **§ 7922.205. Truncation of SSN by county recorder**

21 7922.205. Nothing in this division shall be construed to require the disclosure by
22 a county recorder of any “official record,” if a “public record” version of that record
23 is available pursuant to Article 3.5 (commencing with Section 27300) of Chapter 6
24 of Part 3 of Division 2 of Title 3.

25 **Comment.** Section 7922.205 continues former Section 6254.27 without substantive change.

26 **§ 7922.210. Truncation of SSN with regard to secured transaction**

27 7922.210. Nothing in this division shall be construed to require the disclosure by
28 a filing office of any “official filing,” if a “public filing” version of that record is
29 available pursuant to Section 9526.5 of the Commercial Code.

30 **Comment.** Section 7922.210 continues former Section 6254.28 without substantive change.

31 The erroneous references to an “official record” and a “public record” in former Section 6254.28
32 have been replaced with references to an “official filing” and a “public filing,” respectively, to
33 conform to the terminology used in Commercial Code Section 9526.5. This is a technical
34 correction.

35 **Note.** The provision cross-referenced in Section 6254.28 does not refer to either an “official
36 record” or a “public record,” despite the inference to the contrary in Section 6254.28. Instead,

1 Commercial Code Section 9526.5 refers to and defines an “official filing” and a “public filing”:
2

3 9526.5. (a) For purposes of this section, the following terms have the following
4 meanings:

5 (1) “Official filing” means the permanent archival filing of all instruments, papers,
6 records, and attachments as accepted for filing by a filing office.

7 (2) “Public filing” means a filing that is an exact copy of an official filing except that any
8 social security number contained in the copied filing is truncated. The public filing shall have
9 the same legal force and effect as the official filing. ...

10 This slight disconnect in terminology probably stems from Section 6254.27 (proposed Section
11 7922.205), which concerns disclosure of a record in the possession of a county recorder. The article
12 cross-referenced in that adjacent, very similar section *does* refer to both an “official record” and a
13 “public record.”

14 Proposed Section 7922.210 would make nonsubstantive revisions to Section 6254.28 to conform
15 to the terminology used in the cross-referenced code section, by (1) replacing the term “official
16 record” with “official filing” and (2) replacing the term “public record” with “public filing.”

17 **The Commission welcomes input on any aspect of its proposed recodification, but would**
18 **especially appreciate public comment on this revision.**

19 PART 3. PROCEDURES

20 CHAPTER 1. REQUEST FOR A PUBLIC RECORD

21 Article 1. General Principles

22 **§ 7922.500. No delay or obstruction**

23 7922.500. Nothing in this division shall be construed to permit an agency to delay
24 or obstruct the inspection or copying of public records.

25 **Comment.** Section 7922.500 continues the first sentence of former Section 6253(d) without
26 substantive change.

27 See Section 7920.525 (“public records”).

28 **§ 7922.505. Option to adopt requirements that allow faster, more efficient, or greater access**
29 **than minimum standards**

30 7922.505. Except as otherwise prohibited by law, a state or local agency may
31 adopt requirements for itself that allow for faster, more efficient, or greater access
32 to records than prescribed by the minimum standards set forth in this division.

33 **Comment.** Section 7922.505 continues former Section 6253(e) without substantive change.

34 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

35 Article 2. Procedural Requirements Generally

36 **§ 7922.525. Inspection of public record**

37 7922.525. (a) Public records are open to inspection at all times during the office
38 hours of a state or local agency and every person has a right to inspect any public
39 record, except as otherwise provided.

1 (b) Any reasonably segregable portion of a record shall be available for inspection
2 by any person requesting the record after deletion of the portions that are exempted
3 by law.

4 **Comment.** Subdivision (a) of Section 7922.525 continues the first sentence of former Section
5 6253(a) without substantive change.

6 Subdivision (b) continues the second sentence of former Section 6253(a) without change.

7 For an agency's duty to assist a person in making a focused and effective record request, see
8 Section 7922.600. For guidance on obtaining a copy of a public record, see Section 7922.530.

9 See also Sections 7921.000-7922.210 (disclosure and exemptions generally), 7922.535 (time to
10 respond), 7922.540 (denial of request), 7922.545 (posting of public record on agency's Internet
11 Web site), 7922.570 (disclosure of information in electronic format), 7922.640 (limitations on
12 guidelines & regulations).

13 See Sections 7920.505 ("local agency"), 7920.515 ("person"), 7920.525 ("public records"),
14 7920.535 ("state agency").

15 **§ 7922.530. Copy of public record**

16 7922.530. Except with respect to public records exempt from disclosure by
17 express provisions of law, each state or local agency, upon a request for a copy of
18 records that reasonably describes an identifiable record or records, shall make the
19 records promptly available to any person upon payment of fees covering direct costs
20 of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be
21 provided unless impracticable to do so.

22 **Comment.** Section 7922.530 continues former Section 6253(b) without change.

23 For an agency's duty to assist a person in making a focused and effective record request, see
24 Section 7922.600. For guidance on inspection of a public record, see Section 7922.525.

25 See also Sections 7921.000-7922.210 (disclosure and exemptions generally), 7922.535 (time to
26 respond), 7922.540 (denial of request), 7922.545 (posting of public record on agency's Internet
27 Web site), 7922.570 (disclosure of information in electronic format), 7922.640 (limitations on
28 guidelines & regulations).

29 See Sections 7920.505 ("local agency"), 7920.515 ("person"), 7920.525 ("public records"),
30 7920.535 ("state agency").

31 **§ 7922.535. Time to respond**

32 7922.535. (a) Each agency, upon a request for a copy of records, shall, within 10
33 days from receipt of the request, determine whether the request, in whole or in part,
34 seeks copies of disclosable public records in the possession of the agency and shall
35 promptly notify the person making the request of the determination and the reasons
36 therefor. If the agency determines that the request seeks disclosable public records,
37 the agency shall also state the estimated date and time when the records will be made
38 available.

39 (b) In unusual circumstances, the time limit prescribed in this article and Article
40 1 (commencing with Section 7922.500) may be extended by written notice from the
41 head of the agency or a designee to the person making the request, setting forth the
42 reasons for the extension and the date on which a determination is expected to be
43 dispatched. No notice shall specify a date that would result in an extension for more
44 than 14 days.

1 (c) As used in this section, “unusual circumstances” means the following, but only
2 to the extent reasonably necessary to the proper processing of the particular request:

3 (1) The need to search for and collect the requested records from field facilities or
4 other establishments that are separate from the office processing the request.

5 (2) The need to search for, collect, and appropriately examine a voluminous
6 amount of separate and distinct records that are demanded in a single request.

7 (3) The need for consultation, which shall be conducted with all practicable speed,
8 with another agency having substantial interest in the determination of the request
9 or among two or more components of the agency having substantial subject matter
10 interest therein.

11 (4) The need to compile data, to write programming language or a computer
12 program, or to construct a computer report to extract data.

13 **Comment.** Subdivision (a) of Section 7922.535 continues the first and fourth sentences of
14 former Section 6253(c) without substantive change.

15 Subdivision (b) continues the second and third sentences of former Section 6253(c) without
16 substantive change.

17 Subdivision (c) continues the fifth sentence of former Section 6253(c) without change.

18 For further guidance on the timing of an agency’s response to a record request, see Section
19 7922.500 (no delay or obstruction).

20 See Sections 7920.515 (“person”), 7920.525 (“public records”).

21 **§ 7922.540. Denial of request**

22 7922.540. (a) A response to a written request for inspection or copies of public
23 records that includes a determination that the request is denied, in whole or in part,
24 shall be in writing.

25 (b) The notification of denial shall set forth the names and titles or positions of
26 each person responsible for the denial.

27 (c) An agency shall justify withholding any record by complying with Section
28 7922.000.

29 **Comment.** Subdivision (a) of Section 7922.540 continues former Section 6255(b) without
30 change.

31 Subdivision (b) continues the second sentence of former Section 6253(d) without substantive
32 change.

33 Subdivision (c) is new. It is a nonsubstantive signpost provision, included simply to alert readers
34 to the requirements of Section 7922.000 (justification for withholding of record).

35 For further guidance on denial of a record request, see Sections 7921.000-7922.210 (disclosure
36 & exemptions generally), 7923.600-79xx.xxx (specific types of public records), 79xx.xxx-
37 79xx.xxx (other exemptions from disclosure).

38 See Sections 7920.515 (“person”), 7920.540 (“writing”).

39 **§ 7922.545. Posting public record on agency’s Internet Web site**

40 7922.545. (a) In addition to maintaining public records for public inspection
41 during its office hours, a public agency may comply with Section 7922.525 by
42 posting any public record on its Internet Web site and, in response to a request for a
43 public record posted on the Internet Web site, directing a member of the public to
44 the location on the Internet Web site where the public record is posted.

1 (b) However, if after the public agency directs a member of the public to the
2 Internet Web site, the member of the public requesting the public record requests a
3 copy of the public record due to an inability to access or reproduce the public record
4 from the Internet Web site, the public agency shall promptly provide a copy of the
5 public record pursuant to Section 7922.530.

6 **Comment.** Subdivision (a) of Section 7922.545 continues the first sentence of former Section
7 6253(f) without substantive change.

8 Subdivision (b) continues the second sentence of former Section 6253(f) without substantive
9 change.

10 For further guidance on agency websites, see Sections 7922.680 (formatting of record that local
11 agency posts on Internet Resource), 7922.715 (posting catalog of enterprise systems on local
12 agency’s website). See also Section 7922.570 (disclosure of information in electronic format).

13 See Sections 7920.510 (“member of the public”), 7920.520 (“public agency”), 7920.525 (“public
14 records”).

15 Article 3. Information in Electronic Format

16 § 7922.570. Disclosure of information in electronic format

17 7922.570. (a) Unless otherwise prohibited by law, any agency that has
18 information that constitutes an identifiable public record not exempt from disclosure
19 pursuant to this division that is in an electronic format shall make that information
20 available in an electronic format when requested by any person.

21 (b) When applicable, the agency shall do the following:

22 (1) The agency shall make the information available in any electronic format in
23 which it holds the information.

24 (2) The agency shall provide a copy of an electronic record in the format requested
25 if the requested format is one that the agency has used to create copies for its own
26 use or for provision to other agencies.

27 (c) If a request is for information in other than electronic format, and the
28 information also is in electronic format, an agency may inform the requester that the
29 information is available in electronic format.

30 **Comment.** Subdivision (a) of Section 7922.570 continues the first part of the introductory clause
31 of former Section 6253.9 without substantive change.

32 Subdivision (b) continues paragraph (a)(1), the first sentence of paragraph (a)(2), and the second
33 part of the introductory clause of former Section 6253.9 without substantive change.

34 Subdivision (c) continues former Section 6253.9(d) without substantive change.

35 For guidance on the cost of duplicating an electronic record, see Section 7922.575. For
36 limitations on the application of this article, see Section 7922.580.

37 For guidance regarding agency websites, see Sections 7922.545 (posting public record on
38 agency’s Internet Web site), 7922.680 (formatting of record that local agency posts on Internet
39 Resource).

40 See Sections 7920.515 (“person”), 7920.525 (“public records”).

1 **§ 7922.575. Cost of duplication**

2 7922.575. (a) The cost of duplication of an electronic record pursuant to paragraph
3 (2) of subdivision (b) of Section 7922.570 shall be limited to the direct cost of
4 producing a copy of a record in an electronic format.

5 (b) Notwithstanding subdivision (a), the requester shall bear the cost of producing
6 a copy of the record, including the cost to construct a record, and the cost of
7 programming and computer services necessary to produce a copy of the record when
8 either of the following applies:

9 (1) In order to comply with subdivisions (a) and (b) of Section 7922.520, the
10 public agency would be required to produce a copy of an electronic record and the
11 record is one that is produced only at otherwise regularly scheduled intervals.

12 (2) The request would require data compilation, extraction, or programming to
13 produce the record.

14 **Comment.** Subdivision (a) of Section 7922.575 continues the second sentence of former Section
15 6253.9(a)(2) without substantive change.

16 Subdivision (b) continues former Section 6253.9(b) without substantive change.

17 See Section 7920.520 (“public agency”).

18 **§ 7922.580. Limitations**

19 7922.580. (a) Nothing in this article shall be construed to require a public agency
20 to reconstruct a record in an electronic format if the agency no longer has the record
21 available in an electronic format.

22 (b) Nothing in this article shall be construed to permit an agency to make
23 information available only in an electronic format.

24 (c) Nothing in this article shall be construed to require a public agency to release
25 an electronic record in the electronic form in which it is held by the agency if its
26 release would jeopardize or compromise the security or integrity of the original
27 record or of any proprietary software in which it is maintained.

28 (d) Nothing in this article shall be construed to permit public access to records
29 held by any agency to which access is otherwise restricted by statute.

30 **Comment.** Subdivision (a) of Section 7922.580 continues former Section 6253.9(c) without
31 substantive change.

32 Subdivision (b) continues former Section 6253.9(e) without substantive change.

33 Subdivision (c) continues former Section 6253.9(f) without substantive change.

34 Subdivision (d) continues former Section 6253.9(g) without substantive change.

35 See Section 7920.520 (“public agency”).

36 Article 4. Duty to Assist in Formulating Request

37 **§ 7922.600. Duty to provide assistance**

38 7922.600. (a) When a member of the public requests to inspect a public record or
39 obtain a copy of a public record, the public agency, in order to assist the member of
40 the public make a focused and effective request that reasonably describes an

1 identifiable record or records, shall do all of the following, to the extent reasonable
2 under the circumstances:

3 (1) Assist the member of the public to identify records and information that are
4 responsive to the request or to the purpose of the request, if stated.

5 (2) Describe the information technology and physical location in which the
6 records exist.

7 (3) Provide suggestions for overcoming any practical basis for denying access to
8 the records or information sought.

9 (b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have
10 been satisfied if the public agency is unable to identify the requested information
11 after making a reasonable effort to elicit additional clarifying information from the
12 requester that will help identify the record or records.

13 (c) The requirements of subdivision (a) are in addition to any action required of a
14 public agency by Article 1 (commencing with Section 7922.500) or Article 2
15 (commencing with Section 7922.525).

16 **Comment.** Section 7922.600 continues former Section 6253.1(a)-(c) without substantive
17 change.

18 For further guidance regarding assistance to the public, see Sections 7922.500 (no delay or
19 obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
20 access than minimum standards).

21 See Sections 7920.510 (“member of the public”), 7920.520 (“public agency”), 7920.525 (“public
22 records”).

23 **§ 7922.605. Inapplicability of article**

24 7922.605. This article shall not apply to a request for public records if any of the
25 following applies:

26 (a) The public agency makes the requested records available pursuant to Article 1
27 (commencing with Section 7922.500) and Article 2 (commencing with Section
28 7922.525).

29 (b) The public agency makes an index of its records available.

30 (c) The public agency determines that the request should be denied and bases that
31 determination solely on an exemption listed in Section 7920.500.

32 **Comment.** Section 7922.605 continues former Section 6253.1(d) without substantive change.

33 See Sections 7920.520 (“public agency”), 7920.525 (“public records”).

34 CHAPTER 2. AGENCY REGULATIONS, GUIDELINES, SYSTEMS, AND
35 SIMILAR MATTERS

36 Article 1. Agency Regulations and Guidelines

37 **§ 7922.630. Authority to adopt regulations**

38 7922.630. Every agency may adopt regulations in accordance with this article
39 stating the procedures to be followed when making its records available.

1 **Comment.** Section 7922.630 continues the first paragraph of former Section 6253.4(a) without
2 substantive change.

3 For further guidance on adoption of regulations, see Sections 7922.500 (no delay or obstruction),
4 7922.505 (option to adopt requirements that allow faster, more efficient, or greater access than
5 minimum standards), 7922.635 (agencies required to establish & make available written guidelines
6 for accessibility of records), 7922.640 (limitations on guidelines & regulations).

7 **§ 7922.635. Agencies required to establish and make available written guidelines for**
8 **accessibility of records**

9 7922.635. (a) The following state and local bodies shall establish written
10 guidelines for accessibility of records:

- 11 (1) All regional water quality control boards.
- 12 (2) Bay Area Air Pollution Control District.
- 13 (3) Bureau of Real Estate.
- 14 (4) California Coastal Commission.
- 15 (5) Department of Business Oversight.
- 16 (6) Department of Consumer Affairs.
- 17 (7) Department of Corrections and Rehabilitation.
- 18 (8) Department of General Services.
- 19 (9) Department of Industrial Relations.
- 20 (10) Department of Insurance.
- 21 (11) Department of Justice.
- 22 (12) Department of Managed Health Care.
- 23 (13) Department of Motor Vehicles.
- 24 (14) Department of Parks and Recreation.
- 25 (15) Department of Toxic Substances Control.
- 26 (16) Department of Veterans Affairs.
- 27 (17) Department of Water Resources.
- 28 (18) Division of Juvenile Justice.
- 29 (19) Employment Development Department.
- 30 (20) Golden Gate Bridge, Highway and Transportation District.
- 31 (21) Los Angeles County Air Pollution Control District.
- 32 (22) Office of Environmental Health Hazard Assessment.
- 33 (23) Public Employees' Retirement System.
- 34 (24) Public Utilities Commission.
- 35 (25) San Francisco Bay Area Rapid Transit District.
- 36 (26) San Francisco Bay Conservation and Development Commission.
- 37 (27) Secretary of State.
- 38 (28) State Air Resources Board.
- 39 (29) State Board of Equalization.
- 40 (30) State Department of Developmental Services.
- 41 (31) State Department of Health Care Services.
- 42 (32) State Department of Public Health.
- 43 (33) State Department of Social Services.

1 (34) State Department of State Hospitals.

2 (35) State Water Resources Control Board.

3 (36) Teachers' Retirement Board.

4 (37) Transportation Agency.

5 (b) A copy of these guidelines shall be posted in a conspicuous public place at
6 the offices of these bodies, and a copy of the guidelines shall be available upon
7 request, free of charge, to any person requesting that body's records.

8 **Comment.** Section 7922.635 continues the second paragraph of former Section 6253.4(a)
9 without substantive change.

10 See Section 7920.515 ("person").

11 **§ 7922.640. Limitations on guidelines and regulations**

12 7922.640. (a) Guidelines and regulations adopted pursuant to this article shall be
13 consistent with all other sections of this division and shall reflect the intention of
14 the Legislature to make the records accessible to the public.

15 (b) Guidelines and regulations adopted pursuant to this article shall not operate to
16 limit the hours public records are open for inspection as prescribed in Article 1
17 (commencing with Section 7922.500) and Article 2 (commencing with Section
18 7922.525).

19 **Comment.** Section 7922.640 continues former Section 6253.4(b) without substantive change.

20 See Section 7920.525 ("public records").

21 For further guidance on adoption of guidelines and regulations, see Sections 7922.500 (no delay
22 or obstruction), 7922.505 (option to adopt requirements that allow faster, more efficient, or greater
23 access than minimum standards).

24 **Article 2. Internet Resources**

25 **§ 7922.680. Formatting of record that local agency posts on Internet Resource**

26 7922.680. If a local agency, except a school district, maintains an Internet
27 Resource, including, but not limited to, an Internet Web site, Internet Web page, or
28 Internet Web portal, which the local agency describes or titles as "open data," and
29 the local agency voluntarily posts a public record on that Internet Resource, the local
30 agency shall post the public record in an open format that meets all of the following
31 requirements:

32 (a) Retrievable, downloadable, indexable, and electronically searchable by
33 commonly used Internet search applications.

34 (b) Platform independent and machine readable.

35 (c) Available to the public free of charge and without any restriction that would
36 impede the reuse or redistribution of the public record.

37 (d) Retains the data definitions and structure present when the data was compiled,
38 if applicable.

39 **Comment.** Section 7922.680 continues former Section 6253.10 without change.

40 See Section 7920.505 ("local agency"), 7920.525 ("public records").

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Article 3. Catalog of Enterprise Systems

§ 7922.700. “Enterprise system”

7922.700. For purposes of this article:

(a) “Enterprise system” means a software application or computer system that satisfies all of the following conditions:

(1) It collects, stores, exchanges, and analyzes information that the agency uses.

(2) It is a multidepartmental system or a system that contains information collected about the public.

(3) It is a system of record.

(b) An “enterprise system” does not include any of the following:

(1) Information technology security systems, including firewalls and other cybersecurity systems.

(2) Physical access control systems, employee identification management systems, video monitoring, and other physical control systems.

(3) Infrastructure and mechanical control systems, including those that control or manage street lights, electrical, natural gas, or water or sewer functions.

(4) Systems related to 911 dispatch and operation or emergency services.

(5) Systems that would be restricted from disclosure pursuant to [Section 6254.19].

(6) The specific records that the information technology system collects, stores, exchanges, or analyzes.

Comment. Subdivision (a) of Section 7922.700 continues former Section 6270.5(c)(1) without substantive change.

Subdivision (b) continues former Section 6270.5(c)(3) without substantive change.

See Section 7922.575 (“system of record”).

§ 7922.705. “System of record”

7922.705. For purposes of this article, “system of record” means a system that serves as an original source of data within an agency.

Comment. Section 7922.705 continues former Section 6270.5(c)(2) without substantive change.

§ 7922.710. Creation of catalog

7922.710. (a) In implementing this division, each local agency, except a local educational agency, shall create a catalog of enterprise systems.

(b) The local agency shall complete and post the catalog as required by this article by July 1, 2016, and thereafter shall update the catalog annually.

Comment. Subdivision (a) of Section 7922.710 continues the first sentence of former Section 6270.5(a) without substantive change.

Subdivision (b) continues former Section 6270.5(f) without substantive change.

See Sections 7920.505 (“local agency”), 7922.700 (“enterprise system”).

1 **§ 7922.715. Availability of catalog**

2 7922.715. (a) The catalog of enterprise systems required by Section 7922.710
3 shall be made publicly available upon request in the office of the person or officer
4 designated by the agency’s legislative body.

5 (b) If the agency has an Internet Web site, the catalog shall be posted in a
6 prominent location on the agency’s Internet Web site.

7 **Comment.** Subdivision (a) of Section 7922.715 continues the second sentence of former Section
8 6270.5(a) without substantive change.

9 Subdivision (b) continues the third sentence of former Section 6270.5(a) without substantive
10 change.

11 See Sections 7920.505 (“local agency”), 7920.515 (“person”), 7922.700 (“enterprise system”).

12 **§ 7922.720. Content of catalog**

13 7922.720. (a) The catalog of enterprise systems required by Section 7922.710
14 shall disclose a list of the enterprise systems utilized by the agency.

15 (b) For each system, the catalog shall also disclose all of the following:

16 (1) Current system vendor.

17 (2) Current system product.

18 (3) A brief statement of the system’s purpose.

19 (4) A general description of categories or types of data.

20 (5) The department that serves as the system’s primary custodian.

21 (6) How frequently system data is collected.

22 (7) How frequently system data is updated.

23 (c) If, on the facts of the particular case, the public interest served by not
24 disclosing the information described in paragraph (1) or (2) of subdivision (b)
25 clearly outweighs the public interest served by disclosure of the record, the local
26 agency may instead provide a system name, brief title, or identifier of the system.

27 **Comment.** Subdivisions (a) and (b) of Section 7922.720 continue the fourth sentence of former
28 Section 6270.5(a) without substantive change.

29 Subdivision (c) continues former Section 6270.5(e) without substantive change.

30 See Sections 7920.505 (“local agency”), 7922.700 (“enterprise system”).

31 **§ 7922.725. Construction of article**

32 7922.725. (a) This article shall not be interpreted to limit a person’s right to
33 inspect public records pursuant to this division.

34 (b) Nothing in this article shall be construed to permit public access to records
35 held by an agency to which access is otherwise restricted by statute or to alter the
36 process for requesting a public record, as set forth in this division.

37 **Comment.** Subdivision (a) of Section 7922.725 continues former Section 6270.5(b) without
38 substantive change.

39 Subdivision (b) continues former Section 6270.5(d) without substantive change.

40 See Sections 7920.515 (“person”), 7920.525 (“public records”).

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PART 4. ENFORCEMENT

CHAPTER 1. GENERAL PRINCIPLES

§ 7923.000. Right to seek enforcement of request

7923.000. Any person may institute a proceeding for injunctive or declarative relief, or for a writ of mandate, in any court of competent jurisdiction, to enforce that person’s right under this division to inspect or receive a copy of any public record or class of public records.

Comment. Section 7923.000 continues the first sentence of former Section 6258 without substantive change.

See Sections 7920.515 (“person”), 7920.525 (“public records”).

§ 7923.005. Court to set schedule that promotes prompt decision

7923.005. In a proceeding under Section 7923.000, the court shall set the times for hearings and responsive pleadings with the object of securing a decision as to the matters at issue at the earliest possible time.

Comment. Section 7923.005 continues the second sentence of former Section 6258 without substantive change.

CHAPTER 2. PROCEDURE

Article 1. Petition to Superior Court

§ 7923.100. Verified petition and order to show cause

7923.100. Whenever it is made to appear, by verified petition to the superior court of the county where the records or some part thereof are situated, that certain public records are being improperly withheld from a member of the public, the court shall order the officer or other person charged with withholding the records to disclose those records or show cause why that person should not do so.

Comment. Section 7923.100 continues the first sentence of former Section 6259(a) without substantive change.

See Sections 7920.510 (“member of the public”), 7920.525 (“public records”).

§ 7923.105. Material to be considered by court

7923.105. The court shall decide the case after the court does all of the following:

(a) Examine the record in camera, if permitted by subdivision (b) of Section 915 of the Evidence Code.

(b) Examine any papers filed by the parties.

(c) Consider any oral argument and additional evidence as the court may allow.

Comment. Section 7923.105 continues the second sentence of former Section 6259(a) without substantive change.

1 **§ 7923.110. Decision and order**

2 7923.110. (a) If the court finds that the public official’s decision to refuse
3 disclosure is not justified under Section 7922.000 or any provision listed in Section
4 7920.500, the court shall order the public official to make the record public.

5 (b) If the court finds that the public official was justified in refusing to make the
6 record public, the court shall return the record to the public official without
7 disclosing its content, together with an order supporting the decision refusing
8 disclosure.

9 **Comment.** Section 7923.110 continues former Section 6259(b) without substantive change.

10 **§ 7923.115. Costs and attorney fees**

11 7923.115. (a) If the requester prevails in litigation filed pursuant to this chapter,
12 the court shall award court costs and reasonable attorney’s fees to the requester. The
13 costs and fees shall be paid by the public agency and shall not become a personal
14 liability of the public official involved.

15 (b) If the court finds that a requester’s case pursuant to this chapter is clearly
16 frivolous, the court shall award court costs and reasonable attorney fees to the public
17 agency.

18 (c) Nothing in this article limits a requester’s right to obtain fees and costs
19 pursuant to this section or pursuant to any other law.

20 **Comment.** Subdivisions (a) and (b) of Section 7923.115 continue former Section 6259(d)
21 without substantive change.

22 Subdivision (c) continues former Section 6259(e) without substantive change.

23 See Section 7920.520 (“public agency”).

24 **Note.** The text shown above incorporates revisions to Section 6259 made by 2018 Cal. Stat. ch.
25 463, § 1 (SB 1244 (Wieckowski)).

26 **§ 7923.120. Failure to obey order as grounds for contempt**

27 7923.120. Any person who fails to obey an order of the court pursuant to this
28 chapter shall be cited to show cause why that person is not in contempt of court.

29 **Comment.** Section 7923.120 continues the fifth sentence of former Section 6259(c) without
30 substantive change.

31 See Section 7920.515 (“person”).

32 **Article 2. Appellate Review**

33 **§ 7923.500. Order reviewable by petition for extraordinary writ**

34 7923.500. An order of the court pursuant to this chapter, whether directing a
35 public official to disclose a record or supporting a public official’s decision to refuse
36 disclosure, is not a final judgment or order from which an appeal may be taken
37 pursuant to Section 904.1 of the Code of Civil Procedure. The order shall, however,
38 be immediately reviewable by a petition to the appellate court for issuance of an
39 extraordinary writ.

1 **Comment.** Section 7923.500 continues the first sentence of former Section 6259(c) without
2 substantive change. The introductory clause, which limited the applicability of this provision to an
3 action filed on or after January 1, 1991, is discontinued as obsolete.

4 **§ 7923.505. Time for filing writ petition**

5 7923.505. (a) To obtain review of an order entered pursuant to this chapter, a party
6 shall file a petition pursuant to Section 7923.500 within 20 days after service upon
7 that party of a written notice of entry of the order, or within a period not exceeding
8 an additional 20 days as the court may for good cause allow.

9 (b) If the notice of entry of the order is served by mail, the period within which to
10 file the petition shall be increased by five days.

11 **Comment.** Subdivision (a) of Section 7923.505 continues the second sentence of former Section
12 6259(c) without substantive change.

13 Subdivision (b) continues the third sentence of former Section 6259(c) without change.

14 **§ 7923.510. Stay of judgment or order**

15 7923.510. A court shall not grant a stay of a judgment or order entered pursuant
16 to this chapter unless the petitioning party demonstrates both of the following:

17 (1) Probable success on the merits.

18 (2) The petitioning party will otherwise sustain irreparable damage.

19 **Comment.** Section 7923.510 continues the fourth sentence of former Section 6259(c) without
20 substantive change.

21 PART 5. SPECIFIC TYPES OF PUBLIC
22 RECORDS

23 CHAPTER 1. CRIMES, WEAPONS, AND LAW ENFORCEMENT

24 Article 1. Law Enforcement Records Generally

25 **§ 7923.600. Law enforcement exemption**

26 7923.600. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
27 this division does not require the disclosure of records of complaints to, or
28 investigations conducted by, or records of intelligence information or security
29 procedures of, the office of the Attorney General and the Department of Justice, the
30 Office of Emergency Services and any state or local police agency, or any
31 investigatory or security files compiled by any other state or local police agency, or
32 any investigatory or security files compiled by any other state or local agency for
33 correctional, law enforcement, or licensing purposes.

34 (b) A customer list that an alarm or security company provides to a state or local
35 police agency at the agency's request is a record subject to this article.

36 **Comment.** Subdivision (a) of Section 7923.600 continues the first sentence of former Section
37 6254(f) without substantive change. Subdivision (a) also continues the introductory clause of
38 former Section 6254 (as applied to former Section 6254(f)) without substantive change.

1 Subdivision (b) continues the second unnumbered paragraph of former Section 6254(f) without
2 substantive change.

3 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

4 **§ 7923.605. Disclosure of incident information**

5 7923.605. (a) Notwithstanding Section 7923.600, a state or local law enforcement
6 agency shall disclose the names and addresses of persons involved in, or witnesses
7 other than confidential informants to, the incident, the description of any property
8 involved, the date, time, and location of the incident, all diagrams, statements of the
9 parties involved in the incident, the statements of all witnesses, other than
10 confidential informants, to the victims of an incident, or an authorized representative
11 thereof, an insurance carrier against which a claim has been or might be made, and
12 any person suffering bodily injury or property damage or loss, as the result of the
13 incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking,
14 vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951,
15 unless the disclosure would endanger either of the following:

16 (1) The safety of a witness or other person involved in the investigation.

17 (2) The successful completion of the investigation or a related investigation.

18 (b) However, this article does not require the disclosure of that portion of those
19 investigative files that reflects the analysis or conclusions of the investigating
20 officer.

21 **Comment.** Subdivision (a) of Section 7923.605 continues the second sentence of former Section
22 6254(f) without substantive change.

23 Subdivision (b) continues the third sentence of former Section 6254(f) without substantive
24 change.

25 See Section 7920.515 (“person”).

26 **§ 7923.610. Disclosure of arrest information**

27 7923.610. Notwithstanding any other provision of this article, a state or local law
28 enforcement agency shall make public all of the following information, except to
29 the extent that disclosure of a particular item of information would endanger the
30 safety of a person involved in an investigation or would endanger the successful
31 completion of the investigation or a related investigation:

32 (a) The full name and occupation of every individual arrested by the agency.

33 (b) The individual’s physical description including date of birth, color of eyes and
34 hair, sex, height and weight.

35 (c) The time and date of arrest.

36 (d) The time and date of booking.

37 (e) The location of the arrest.

38 (f) The factual circumstances surrounding the arrest.

39 (g) The amount of bail set.

40 (h) The time and manner of release or the location where the individual is
41 currently being held.

1 (i) All charges the individual is being held upon, including any outstanding
2 warrants from other jurisdictions, parole holds, and probation holds.

3 **Comment.** Section 7923.610 continues former Section 6254(f)(1) without substantive change.
4 In combination with Sections 7923.615(a) and 7923.620(a), Section 7923.610 also continues the
5 third unnumbered paragraph of former Section 6254 without substantive change.

6 See Section 7920.515 (“person”).

7 **§ 7923.615. Disclosure of information relating to complaints or requests for assistance**

8 7923.615. (a) Notwithstanding any other provision of this article, a state or local
9 law enforcement agency shall make public, subject to the restrictions imposed by
10 Section 841.5 of the Penal Code, the time, substance, and location of all complaints
11 or requests for assistance received by the agency, and the time and nature of the
12 response thereto, except to the extent that disclosure of a particular item of
13 information would endanger the safety of a person involved in an investigation or
14 the successful completion of the investigation or a related investigation. To the
15 extent the information regarding crimes alleged or committed or any other incident
16 investigated is recorded, this includes all of the following:

17 (1) The time, date, and location of occurrence.

18 (2) The time and date of the report.

19 (3) The name and age of the victim.

20 (4) The factual circumstances surrounding the crime or incident.

21 (5) A general description of any injuries, property, or weapons involved.

22 (b)(1) The name of a victim of any crime defined by Section 220, 261, 261.5, 262,
23 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d,
24 273.5, 285, 286, 287, 288, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
25 422.75, 646.9, or 647.6 of, or former Section 288a of, the Penal Code may be
26 withheld at the victim’s request, or at the request of the victim’s parent or guardian
27 if the victim is a minor.

28 (2) When a person is the victim of more than one crime, information disclosing
29 that the person is a victim of a crime defined in any of the sections of the Penal Code
30 set forth in this article may be deleted at the request of the victim, or the victim’s
31 parent or guardian if the victim is a minor, in making the report of the crime, or of
32 any crime or incident accompanying the crime, available to the public in compliance
33 with the requirements of this section.

34 (c)(1) Subject to the restrictions imposed by Section 841.5 of the Penal Code, the
35 names and images of a victim of human trafficking, as defined in Section 236.1 of
36 the Penal Code, and of that victim’s immediate family, other than a family member
37 who is charged with a criminal offense arising from the same incident, may be
38 withheld at the victim’s request until the investigation or any subsequent
39 prosecution is complete.

40 (2) For purposes of this article, “immediate family” shall have the same meaning
41 as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal
42 Code.

1 **Comment.** Subdivision (a) of Section 7923.615 continues the first sentence of former Section
2 6254(f)(2)(A) without substantive change. In combination with Sections 7923.610 and
3 7923.620(a), subdivision (a) also continues the third unnumbered paragraph of former Section
4 6254(f) without substantive change.

5 Subdivision (b) continues the second and third sentences of former Section 6254(f)(2)(A)
6 without substantive change. Revisions have been made to reflect that Penal Code Section 288a was
7 renumbered as Penal Code Section 287. See 2018 Cal. Stat. ch. 423, § 49.

8 Subdivision (c) continues former Section 6254(f)(2)(B) without substantive change.
9 See Section 7920.515 (“person”).

10 **Note.** In 2018, the Legislature enacted a bill renumbering Penal Code Section 288a as Penal
11 Code Section 287. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)). That
12 bill included a conforming revision of Section 6254(f)(2), but the conforming revision was
13 chaptered out by another bill. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 423, §§ 27
14 (conforming revision), 130 (subordination clause); 2018 Cal. Stat. ch. 960, § 1 (AB 748 (Ting)).

15 As noted in the accompanying Comment, proposed Section 7923.615 would continue the
16 substance of Section 6254(f)(2), with revisions to reflect the renumbering of Penal Code Section
17 288a (in the same manner as the conforming revision that was chaptered out).

18 **§ 7923.620. Disclosure of arrestee’s address or victim’s address for specified purposes**

19 7923.620. (a) Notwithstanding any other provision of this article, if the requester
20 declares under penalty of perjury that the request is made for a scholarly,
21 journalistic, political, or governmental purpose, or that the request is made for
22 investigation purposes by a licensed private investigator as described in Chapter
23 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions
24 Code, a state or local law enforcement agency shall make public the following
25 information, except to the extent that disclosure of a particular item of information
26 would endanger the safety of a person involved in an investigation or would
27 endanger the successful completion of the investigation or a related investigation:

28 (1) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
29 the current address of every individual arrested by the agency.

30 (2) Subject to the restrictions of Section 841.5 of the Penal Code and this article,
31 the current address of the victim of a crime. However, the address of the victim of
32 any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266,
33 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 287, 288,
34 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of, or
35 former Section 288a of, the Penal Code shall remain confidential.

36 (b) Address information obtained pursuant to this section shall not be used directly
37 or indirectly, or furnished to another, to sell a product or service to any individual
38 or group of individuals, and the requester shall execute a declaration to that effect
39 under penalty of perjury.

40 (c) This section shall not be construed to prohibit or limit a scholarly, journalistic,
41 political, or government use of address information obtained pursuant to this
42 section.

43 **Comment.** Subdivision (a) of Section 7923.620 continues the first and second sentences of
44 former Section 6254(f)(3) without substantive change. In combination with Sections 7923.610 and
45 Section 7923.615(a), subdivision (a) also continues the third unnumbered paragraph of former

1 Section 6254(f) without substantive change. Revisions have been made to reflect that Penal Code
2 Section 288a was renumbered as Penal Code Section 287. See 2018 Cal. Stat. ch. 423, § 49.

3 Subdivision (b) continues the third sentence of former Section 6254(f)(3) without substantive
4 change.

5 Subdivision (c) continues the fourth sentence of former Section 6254(f)(3) without substantive
6 change.

7 See Section 7920.515 (“person”).

8 **Note.** In 2018, the Legislature enacted a bill renumbering Penal Code Section 288a as Penal
9 Code Section 287. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)). That
10 bill included a conforming revision of Section 6254(f)(3), but the conforming revision was
11 chaptered out by another bill. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 423, §§ 27
12 (conforming revision), 130 (subordination clause); 2018 Cal. Stat. ch. 960, § 1 (AB 748 (Ting)).

13 As noted in the accompanying Comment, proposed Section 7923.620 would continue the
14 substance of Section 6254(f)(3), with revisions to reflect the renumbering of Penal Code Section
15 288a (in the same manner as the conforming revision that was chaptered out).

16 **§ 7923.625. Video or audio recording relating to critical incident**

17 7923.625. Notwithstanding any other provision of this article, commencing July
18 1, 2019, a video or audio recording that relates to a critical incident, as defined in
19 subdivision (e), may be withheld only as follows:

20 (a)(1) During an active criminal or administrative investigation, disclosure of a
21 recording related to a critical incident may be delayed for no longer than 45 calendar
22 days after the date the agency knew or reasonably should have known about the
23 incident, if, based on the facts and circumstances depicted in the recording,
24 disclosure would substantially interfere with the investigation, such as by
25 endangering the safety of a witness or a confidential source. If an agency delays
26 disclosure pursuant to this section, the agency shall provide in writing to the
27 requester the specific basis for the agency’s determination that disclosure would
28 substantially interfere with the investigation and the estimated date for disclosure.

29 (2) After 45 days from the date the agency knew or reasonably should have known
30 about the incident, and up to one year from that date, the agency may continue to
31 delay disclosure of a recording if the agency demonstrates that disclosure would
32 substantially interfere with the investigation. After one year from the date the
33 agency knew or reasonably should have known about the incident, the agency may
34 continue to delay disclosure of a recording only if the agency demonstrates by clear
35 and convincing evidence that disclosure would substantially interfere with the
36 investigation. If an agency delays disclosure pursuant to this paragraph, the agency
37 shall promptly provide in writing to the requester the specific basis for the agency’s
38 determination that the interest in preventing interference with an active investigation
39 outweighs the public interest in disclosure and provide the estimated date for the
40 disclosure. The agency shall reassess withholding and notify the requester every 30
41 days. A recording withheld by the agency shall be disclosed promptly when the
42 specific basis for withholding is resolved.

43 (b)(1) If the agency demonstrates, on the facts of the particular case, that the
44 public interest in withholding a video or audio recording clearly outweighs the

1 public interest in disclosure because the release of the recording would, based on
2 the facts and circumstances depicted in the recording, violate the reasonable
3 expectation of privacy of a subject depicted in the recording, the agency shall
4 provide in writing to the requester the specific basis for the expectation of privacy
5 and the public interest served by withholding the recording and may use redaction
6 technology, including blurring or distorting images or audio, to obscure those
7 specific portions of the recording that protect that interest. However, the redaction
8 shall not interfere with the viewer's ability to fully, completely, and accurately
9 comprehend the events captured in the recording and the recording shall not
10 otherwise be edited or altered.

11 (2) Except as provided in paragraph (3), if the agency demonstrates that the
12 reasonable expectation of privacy of a subject depicted in the recording cannot
13 adequately be protected through redaction as described in paragraph (1) and that
14 interest outweighs the public interest in disclosure, the agency may withhold the
15 recording from the public, except that the recording, either redacted as provided in
16 paragraph (1) or unredacted, shall be disclosed promptly, upon request, to any of
17 the following:

18 (A) The subject of the recording whose privacy is to be protected, or the subject's
19 authorized representative.

20 (B) If the subject is a minor, the parent or legal guardian of the subject whose
21 privacy is to be protected.

22 (C) If the subject whose privacy is to be protected is deceased, an heir,
23 beneficiary, designated immediate family member, or authorized legal
24 representative of the deceased subject whose privacy is to be protected.

25 (3) If disclosure pursuant to paragraph (2) would substantially interfere with an
26 active criminal or administrative investigation, the agency shall provide in writing
27 to the requester the specific basis for the agency's determination that disclosure
28 would substantially interfere with the investigation, and provide the video or audio
29 recording. Thereafter, the recording may be withheld by the agency for 45 calendar
30 days, subject to extensions as set forth in paragraph (2) of subdivision (a).

31 (c) An agency may provide greater public access to video or audio recordings than
32 the minimum standards set forth in this section.

33 (d) For purposes of this section, a peace officer does not include any peace officer
34 employed by the Department of Corrections and Rehabilitation.

35 (e) For purposes of this section, a video or audio recording relates to a critical
36 incident if it depicts any of the following incidents:

37 (1) An incident involving the discharge of a firearm at a person by a peace officer
38 or custodial officer.

39 (2) An incident in which the use of force by a peace officer or custodial officer
40 against a person resulted in death or in great bodily injury.

41 (f) This section does not alter, limit, or negate any other rights, remedies, or
42 obligations with respect to public records regarding an incident other than a critical
43 incident as described in subdivision (e).

1 **Comment.** Section 7923.625 continues former Section 6254(f)(4) without substantive change.
2 See Sections 7920.515 (“person”), 7920.525 (“public records”).

3 **Note.** Section 6254(f)(4) was just added to the codes by 2018 Cal. Stat. ch. 960, § 1 (AB 748
4 (Ting)).

5 Article 2. Obtaining Access to Law Enforcement Records

6 **§ 7923.650. District attorney’s request to inspect licensing records**

7 7923.650. The exemption of records of complaints to, or investigations conducted
8 by, any state or local agency for licensing purposes under Article 1 (commencing
9 with Section 7923.600) shall not apply when a district attorney requests inspection
10 of those records.

11 **Comment.** Section 7923.650 continues former Section 6262 without substantive change.
12 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

13 **§ 7923.655. Required documentation as prerequisite to receipt of information**

14 7923.655. (a) A state or local law enforcement agency shall not require a victim
15 of an incident, or an authorized representative of a victim, to show proof of the
16 victim’s legal presence in the United States in order to obtain the information
17 required to be disclosed by that law enforcement agency pursuant to Article 1
18 (commencing with Section 7923.600).

19 (b) If, for identification purposes, a state or local law enforcement agency
20 requires a victim of an incident, or an authorized representative of a victim, to
21 provide identification in order to obtain information required to be disclosed by that
22 law enforcement agency pursuant to Article 1 (commencing with Section
23 7923.600), the agency shall at a minimum accept any of the following:

24 (1) A current driver’s license or identification card issued by any state in the
25 United States.

26 (2) A current passport issued by the United States or a foreign government with
27 which the United States has a diplomatic relationship.

28 (3) A current Matricula Consular card.

29 **Comment.** Subdivision (a) of Section 7923.655 continues the first sentence of former Section
30 6254.30 without substantive change.

31 Subdivision (b) continues the second sentence of former Section 6254.30 without substantive
32 change.

33 Article 3. Records of Emergency Communications to Public Safety
34 Authorities

35 **§ 7923.700. Emergency information**

36 7923.700. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
37 division does not require the disclosure of a record obtained pursuant to paragraph
38 (2) of subdivision (f) of Section 2891.1 of the Public Utilities Code.

1 **Comment.** Section 7923.700 continues former Section 6254(z) without substantive change.
2 Section 7923.700 also continues the introductory clause of former Section 6254 (as applied to
3 former Section 6254(z)) without substantive change.

4 Article 4. Records Specifically Relating to Crime Victims

5 **§ 7923.750. Video and audio recordings**

6 7923.750. (a) This division does not require disclosure of a video or audio
7 recording that was created during the commission or investigation of the crime of
8 rape, incest, sexual assault, domestic violence, or child abuse that depicts the face,
9 intimate body part, or voice of a victim of the incident depicted in the recording. An
10 agency shall justify withholding such a video or audio recording by demonstrating,
11 pursuant to Section 7922.000 and subdivision (a) of Section 7922.540, that on the
12 facts of the particular case, the public interest served by not disclosing the recording
13 clearly outweighs the public interest served by disclosure of the recording.

14 (b) When balancing the public interests as required by this section, an agency shall
15 consider both of the following:

16 (1) The constitutional right to privacy of the person or persons depicted in the
17 recording.

18 (2) Whether the potential harm to the victim caused by disclosing the recording
19 may be mitigated by redacting the recording to obscure images showing intimate
20 body parts and personally identifying characteristics of the victim or by distorting
21 portions of the recording containing the victim’s voice, provided that the redaction
22 does not prevent a viewer from being able to fully and accurately perceive the events
23 captured on the recording. The recording shall not otherwise be edited or altered.

24 (c) A victim of a crime described in subdivision (a) who is a subject of a recording,
25 the parent or legal guardian of a minor subject, a deceased subject’s next of kin, or
26 a subject’s legally authorized designee, shall be permitted to inspect the recording
27 and to obtain a copy of the recording. Disclosure under this subdivision does not
28 require that the record be made available to the public pursuant to Section 7921.505.

29 (d) Nothing in this section shall be construed to affect any other exemption
30 provided by this division.

31 **Comment.** Section 7923.750 continues former Section 6254.4.5 without substantive change.
32 See Section 7920.515 (“person”).

33 **§ 7923.755. Records of the California Victim Compensation Board**

34 7923.755. (a) This division does not require disclosure of a record of the
35 California Victim Compensation Board that relates to a request for assistance under
36 Article 1 (commencing with Section 13950) of Chapter 5 of Part 4 of Division 3 of
37 Title 2.

38 (b) This section shall not apply to a disclosure of the following information, if no
39 information is disclosed that connects the information to a specific victim,

1 derivative victim, or applicant under Article 1 (commencing with Section 13950) of
2 Chapter 5 of Part 4 of Division 3 of Title 2:

3 (1) The amount of money paid to a specific provider of services.

4 (2) Summary data concerning the types of crimes for which assistance is provided.

5 **Comment.** Section 7923.755 continues former Section 6254.17 without substantive change.

6 Article 5. Firearm Licenses and Related Records

7 **§ 7923.800. Personal information**

8 7923.800. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
9 division does not require the disclosure of any of the following information
10 contained in an application for a license to carry a firearm, issued by the sheriff of
11 a county or the chief or other head of a municipal police department pursuant to
12 Section 26150, 26155, 26170, or 26215 of the Penal Code:

13 (a) Information that indicates when or where the applicant is vulnerable to attack.

14 (b) Information that concerns the applicant's medical or psychological history, or
15 that of members of the applicant's family.

16 **Comment.** Section 7923.800 continues former Section 6254(u)(1) without substantive change.
17 Section 7923.800 also continues the introductory clause of former Section 6254 (as applied to
18 former Section 6254(u)(1)) without substantive change.

19 **§ 7923.805. Address and telephone number of person in criminal justice field**

20 7923.805. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
21 division does not require the disclosure of the home address or telephone number of
22 any of the following individuals, as set forth in an application for a license to carry
23 a firearm, or in a license to carry a firearm, issued by the sheriff of a county or the
24 chief or other head of a municipal police department, pursuant to Section 26150,
25 26155, 26170, or 26215 of the Penal Code:

26 (a) A prosecutor.

27 (b) A public defender.

28 (c) A peace officer.

29 (d) A judge.

30 (e) A court commissioner.

31 (f) A magistrate.

32 **Comment.** Section 7923.805 continues former Section 6254(u)(2)-(3) without substantive
33 change. Section 7923.805 also continues the introductory clause of former Section 6254 (as applied
34 to former Section 6254(u)(2)-(3)) without substantive change.

1 CHAPTER 2. ELECTION MATERIALS AND PETITIONS

2 Article 1. Voter Information

3 **§ 7924.000. Voter registration information**

4 7924.000. (a) Except as provided in Section 2194 of the Elections Code, both of
5 the following are confidential and shall not be disclosed to any person:

6 (1) The home address, telephone number, email address, precinct number, or other
7 number specified by the Secretary of State for voter registration purposes.

8 (2) Prior registration information shown on an affidavit of registration.

9 (b) The California driver's license number, the California identification card
10 number, the social security number, and any other unique identifier used by the State
11 of California for purposes of voter identification shown on an affidavit of
12 registration, or added to the voter registration records to comply with the
13 requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901
14 et seq.), are confidential and shall not be disclosed to any person.

15 (c) The signature of the voter that is shown on an affidavit of registration is
16 confidential and shall not be disclosed to any person.

17 (d) For purposes of this section, "home address" means street address only, and
18 does not include an individual's city or post office address.

19 **Comment.** Section 7924.000 continues former Section 6254.4 without substantive change. The
20 citation to the federal Help America Vote Act of 2002 has been updated to reflect relocation of that
21 Act within the United States Code.

22 See Section 7920.515 ("person").

23 **§ 7924.005. Information identifying requester of bilingual ballot or ballot pamphlet**

24 7924.005. (a) Notwithstanding Sections 7920.505, 7920.510, 7920.515,
25 7920.525, 7920.535, 7920.540, 7922.545, subdivision (a) of Section 7920.520,
26 subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive,
27 information compiled by a public officer or public employee that reveals the identity
28 of a person who has requested a bilingual ballot or ballot pamphlet, in accordance
29 with any federal or state law, or other data that would reveal the identity of the
30 requester, is not a public record and shall not be provided to any person other than
31 a public officer or public employee who is responsible for receiving the request and
32 processing it.

33 (b) Subdivision (a) does not prohibit a person, otherwise authorized by law, from
34 examining election materials, including, but not limited to, an affidavit of
35 registration, provided that a request for a bilingual ballot or ballot pamphlet is
36 subject to the restrictions in subdivision (a).

37 **Comment.** Section 7924.005 continues former Section 6253.6 without substantive change. See
38 Section 13 (singular includes plural and vice versa).

39 See Sections 7920.515 ("person"), 7920.525 ("public records").

1 Article 2. Initiative, Referendum, Recall, and Other Petitions and
2 Related Materials

3 § 7924.100. “Petition”

4 7924.100. As used in this article, “petition” means any petition to which a
5 registered voter has affixed the voter’s own signature.

6 **Comment.** Section 7924.100 continues former Section 6253.5(c) without substantive change.

7 § 7924.105. “Proponent of the petition”

8 7924.105. As used in this article, “proponent of the petition” means the following:

9 (a) For a statewide initiative or referendum measure, the person who submits a
10 draft of a petition proposing the measure to the Attorney General with a request that
11 the Attorney General prepare a title and summary of the chief purpose and points of
12 the proposed measure.

13 (b) For other initiative and referendum measures, the person who publishes a
14 notice of intention to circulate a petition, or, where publication is not required, who
15 files the petition with an elections official.

16 (c) For a recall measure, the person defined in Section 343 of the Elections Code.

17 (d) For a petition circulated pursuant to Section 5091 of the Education Code, the
18 person having charge of the petition who submits the petition to the county
19 superintendent of schools.

20 (e) For a petition circulated pursuant to Article 1 (commencing with Section
21 35700) of Chapter 4 of Part 21 of the Education Code, the person designated as chief
22 petitioner under Section 35701 of the Education Code.

23 (f) For a petition circulated pursuant to Part 46 (commencing with Section 74000)
24 of the Education Code, the person designated as chief petitioner under Section
25 74102, 74133, or 74152 of the Education Code.

26 **Comment.** Section 7924.105 continues former Section 6253.5(d) without substantive change.
27 Section 13 (singular includes plural and vice versa).

28 See Sections 7920.515 (“person”), 7924.100 (“petition”).

29 § 7924.110. Initiative, referendum, or recall petition, or petition for reorganization of school
30 districts or community college districts

31 7924.110. (a) Notwithstanding Sections 7920.505, 7920.510, 7920.515,
32 7920.525, 7920.535, 7920.540, 7922.545, subdivision (a) of Section 7920.520,
33 subdivision (b) of Section 7922.540, and Sections 7922.500 to 7922.535, inclusive,
34 the following are not public records:

35 (1) A statewide, county, city, or district initiative, referendum, or recall petition.

36 (2) A petition circulated pursuant to Section 5091 of the Education Code.

37 (3) A petition for reorganization of school districts submitted pursuant to Article
38 1 (commencing with Section 35700) of Chapter 4 of Part 21 of the Education Code.

39 (4) A petition for reorganization of community college districts submitted
40 pursuant to Part 46 (commencing with Section 74000) of the Education Code.

1 (5) A memorandum prepared by a county elections official in the examination of
2 a petition, indicating which registered voters signed that particular petition.

3 (b) The materials described in subdivision (a) shall not be open to inspection
4 except by the following persons:

5 (1) A public officer or public employee who has the duty of receiving, examining,
6 or preserving the petition, or who is responsible for preparation of the memorandum.

7 (2) If a petition is found to be insufficient, by the proponent of the petition and a
8 representative of the proponent as may be designated by the proponent in writing,
9 in order to determine which signatures were disqualified and the reasons therefor.

10 (c) Notwithstanding subdivisions (a) and (b), the Attorney General, the Secretary
11 of State, the Fair Political Practices Commission, a district attorney, a city attorney,
12 a school district attorney, and a community college district attorney shall be
13 permitted to examine the materials described in subdivision (a) upon approval of
14 the appropriate superior court.

15 (d) If the proponent of a petition is permitted to examine a petition and a
16 memorandum pursuant to subdivision (b), the examination shall commence not later
17 than 21 days after certification of insufficiency, and the county elections official
18 shall retain the documents as prescribed in Section 17200 of the Elections Code.

19 **Comment.** Subdivision (a) and (b) of Section 7924.110 continue the first sentence of former
20 Section 6253.5(a) without substantive change.

21 Subdivision (c) continues the second sentence of former Section 6253.5(a) without substantive
22 change.

23 Subdivision (d) continues former Section 6253.5(b) without substantive change.

24 See Sections 7920.515 (“person”), 7920.525 (“public records”), 7920.540 (“writing”), 7924.100
25 (“petition”), 7924.105 (“proponent of the petition”). See also Section 13 (singular includes plural
26 and vice versa).

27 CHAPTER 3. ENVIRONMENTAL PROTECTION, BUILDING STANDARDS,
28 AND SAFETY REQUIREMENTS

29 Article 1. Pesticide Safety and Efficacy Information Disclosable
30 Under the Federal Insecticide, Fungicide, and Rodenticide Act

31 **§ 7924.300. Disclosure of pesticide safety and efficacy information**

32 7924.300. If both of the following conditions are satisfied, nothing in this division
33 exempts from public disclosure the same categories of pesticide safety and efficacy
34 information that are disclosable under paragraph (1) of subsection (d) of Section 10
35 of the federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
36 136h(d)(1)):

37 (a) The individual requesting the information is not an officer, employee, or agent
38 specified in subdivision (a) of Section 7924.310.

39 (b) The individual signs the affirmation specified in subdivision (b) of Section
40 7924.310.

41 **Comment.** Section 7924.300 continues former Section 6254.2(a) without substantive change.

1 § 7924.305. Data submitted and designated as trade secret

2 7924.305. (a) The Director of Pesticide Regulation, upon the Director’s initiative,
 3 or upon receipt of a request pursuant to this division for the release of data submitted
 4 and designated as a trade secret by a registrant or applicant, shall determine whether
 5 any or all of the data so submitted is a properly designated trade secret. In order to
 6 assure that the interested public has an opportunity to obtain and review pesticide
 7 safety and efficacy data and to comment prior to the expiration of the public
 8 comment period on a proposed pesticide registration, the director shall provide
 9 notice to interested persons when an application for registration enters the
 10 registration evaluation process.

11 (b) If the director determines that the data is not a trade secret, the director shall
 12 notify the registrant or applicant by certified mail.

13 (c) The registrant or applicant shall have 30 days after receipt of this notification
 14 to provide the director with a complete justification and statement of the grounds on
 15 which the trade secret privilege is claimed. This justification and statement shall be
 16 submitted by certified mail.

17 (d) The director shall determine whether the data is protected as a trade secret
 18 within 15 days after receipt of the justification and statement or, if no justification
 19 and statement is filed, within 45 days of the original notice. The director shall notify
 20 the registrant or applicant and any party who has requested the data pursuant to this
 21 division of that determination by certified mail. If the director determines that the
 22 data is not protected as a trade secret, the final notice shall also specify a date, not
 23 sooner than 15 days after the date of mailing of the final notice, when the data shall
 24 be available to any person requesting information pursuant to Section 7924.300.

25 (e) This article does not prohibit any person from maintaining a civil action for
 26 wrongful disclosure of a trade secret.

27 (f) “Trade secret” means data that is nondisclosable under paragraph (1) of
 28 subsection (d) of Section 10 of the federal Insecticide, Fungicide, and Rodenticide
 29 Act (7 U.S.C. Sec. 136h(d)(1)).

30 **Comment.** Subdivision (a) of Section 7924.305 continues former Section 6254.2(b) without
 31 substantive change.

32 Subdivision (b) continues former Section 6254.2(c) without substantive change.

33 Subdivision (c) continues former Section 6254.2(d) without substantive change.

34 Subdivision (d) continues former Section 6254.2(e) without substantive change.

35 Subdivision (e) continues former Section 6254.2(m) without substantive change.

36 Subdivision (f) continues former Section 6254.2(f) without substantive change.

37 See Section 7920.515 (“person”). See also Section 13 (singular includes plural and vice versa).

38 **Note.** Existing Section 6254.2(b) says:

39 (b) The Director of Pesticide Regulation, upon his or her initiative, or upon receipt
 40 of a request pursuant to this chapter for the release of data submitted and designated
 41 as a trade secret by a registrant or applicant, shall determine whether any or all of the
 42 data so submitted is a properly designated trade secret. *In order to assure that the*
 43 *interested public has an opportunity to obtain and review pesticide safety and efficacy*
 44 *data and to comment prior to the expiration of the public comment period on a*

proposed pesticide registration, the director shall provide notice to interested persons when an application for registration enters the registration evaluation process.

The second sentence (shown in italics) establishes a notice requirement for a proposed pesticide registration. Does it belong in the CPRA or should it be recodified elsewhere?

The Commission welcomes input on any aspect of its proposed recodification, but would especially appreciate public comment on this issue.

§ 7924.310. Prohibition on disclosure of application or registration information to person with specified foreign connection

7924.310. (a) Unless the applicant or registrant consents to disclosure of information that the applicant or registrant submits to the state pursuant to Article 4 (commencing with Section 12811) of Chapter 2 of Division 7 of the Food and Agricultural Code, the Director of Pesticide Regulation shall not knowingly disclose any of that information to any of the following:

(1) An officer, employee, or agent of any business or other entity engaged in the production, sale, or distribution of pesticides in a country other than the United States, or in a country in addition to the United States.

(2) Any other person who intends to deliver this information to any foreign or multi-national business or entity.

(b) To implement this section, the director shall require a person requesting information described in subdivision (a) to sign the following affirmation:

AFFIRMATION OF STATUS

This affirmation is required by Article 1 (commencing with Section 7924.310) of Chapter 3 of Part 5 of Division 10 of Title 1 of the Government Code.

I have requested access to information submitted to the Department of Pesticide Regulation (or previously submitted to the Department of Food and Agriculture) by a pesticide applicant or registrant pursuant to the California Food and Agricultural Code. I hereby affirm all of the following statements:

(1) I do not seek access to the information for purposes of delivering it or offering it for sale to any business or other entity, including the business or entity of which I am an officer, employee, or agent, engaged in the production, sale, or distribution of pesticides in a country other than the United States or in a country in addition to the United States, or to an officer, employee, or agent of such a business or entity.

(2) I will not purposefully deliver or negligently cause the data to be delivered to a business or entity specified in paragraph (1) or its officers, employees, or agents.

I am aware that I may be subject to criminal penalties under Section 118 of the Penal Code if I make any statement of material facts knowing that the statement is false or if I willfully conceal any material fact.

Name of Requester

Name of Requester's Organization

1 **§ 7924.325. Effect of frivolous request**

2 7924.325. The Director of Pesticide Regulation may limit an individual to one
3 request per month pursuant to this article if the director determines that a person has
4 made a frivolous request within the past 12-month period.

5 **Comment.** Section 7924.325 continues former Section 6254.2(n) without substantive change.
6 See Section 7920.515 (“person”).

7 **§ 7924.330. Penalty for willfully disclosing material prohibited from disclosure by this**
8 **article**

9 7924.330. (a) Any officer or employee of the state, or former officer or employee
10 of the state, who, because of this employment or official position, obtains possession
11 of, or has access to, material which is prohibited from disclosure by this article, and
12 who, knowing that disclosure of this material is prohibited by this article, willfully
13 discloses the material in any manner to any person not entitled to receive it, shall,
14 upon conviction, be punished by a fine of not more than ten thousand dollars
15 (\$10,000), or by imprisonment in the county jail for not more than one year, or by
16 both fine and imprisonment.

17 (b) For purposes of this section, any contractor with the state who is furnished
18 information pursuant to this article, or any employee of any contractor, shall be
19 considered an employee of the state.

20 **Comment.** Section 7924.330 continues former Section 6254.2(l) without substantive change.
21 See Section 7920.515 (“person”).

22 **§ 7924.335. Conditional operation**

23 7924.335. This article shall be operative only so long as, and to the extent that,
24 enforcement of paragraph (1) of subsection (d) of Section 10 of the federal
25 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136h(d)(1)) has not been
26 enjoined by federal court order. If a final and unappealable federal court judgment
27 or decision holds that paragraph invalid, this article shall become inoperative, to the
28 extent of the invalidity.

29 **Comment.** Section 7924.335 continues former Section 6254.2(g) without substantive change.

30 **Article 2. Pollution**

31 **§ 7924.500. Information received or compiled by air pollution control officer**

32 7924.500. Nothing in this division requires the disclosure of records that relate to
33 volatile organic compound or chemical substance information received or compiled
34 by an air pollution control officer pursuant to Section 42303.2 of the Health and
35 Safety Code.

36 **Comment.** Section 7924.500 continues former Section 6254.11 without substantive change. See
37 Section 13 (singular includes plural and vice versa).

1 **§ 7924.505. Financial data in application under California Pollution Control Financing**
2 **Authority Act**

3 7924.505. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
4 this division does not require the disclosure of financial data contained in an
5 application for financing under Division 27 (commencing with Section 44500) of
6 the Health and Safety Code, if an authorized officer of the California Pollution
7 Control Financing Authority determines that disclosure of the financial data would
8 be competitively injurious to the applicant and the data is required in order to obtain
9 a guarantee from the United States Small Business Administration.

10 (b) The California Pollution Control Financing Authority shall adopt rules for
11 review of individual requests for confidentiality under this section and for making
12 available to the public those portions of an application that are subject to disclosure
13 under this division.

14 **Comment.** Section 7924.505 continues former Section 6254(o) without substantive change. See
15 Section 13 (singular includes plural and vice versa).

16 For other provisions governing disclosure of financial records, see “Chapter 4. Financial Records
17 and Tax Records” (Sections 7925.000-7925.010).

18 **§ 7924.510. Pollution information generally**

19 7924.510. (a) Any information, analysis, plan, or specification that discloses the
20 nature, extent, quantity, or degree of an air contaminant or other pollution that any
21 article, machine, equipment, or other contrivance will produce, which any air
22 pollution control district or air quality management district, or any other state or
23 local agency or district, requires any applicant to provide before the applicant builds,
24 erects, alters, replaces, operates, sells, rents, or uses the article, machine, equipment,
25 or other contrivance, is a public record.

26 (b) All air or other pollution monitoring data, including data compiled from a
27 stationary source, are public records.

28 (c) Except as otherwise provided in subdivision (d) and Chapter 3 (commencing
29 with Section 99150) of Part 65 of the Education Code, a trade secret is not a public
30 record under this section or Section 7924.700.

31 (d) Notwithstanding any other provision of law, all air pollution emission data,
32 including those emission data that constitute trade secrets as defined in subdivision
33 (f), are public records. Data used to calculate emission data are not emission data
34 for the purposes of this subdivision and data that constitute trade secrets and that are
35 used to calculate emission data are not public records.

36 (e) Data used to calculate the costs of obtaining emissions offsets are not public
37 records. At the time that an air pollution control district or air quality management
38 district issues a permit to construct to an applicant who is required to obtain offsets
39 pursuant to district rules and regulations, data obtained from the applicant consisting
40 of the year the offset transaction occurred, the amount of offsets purchased, by
41 pollutant, and the total cost, by pollutant, of the offsets purchased is a public record.
42 If an application is denied, the data shall not be a public record.

1 (f) As used in this section, “trade secret” may include, but is not limited to, any
2 formula, plan, pattern, process, tool, mechanism, compound, procedure, production
3 data, or compilation of information that satisfies all of the following requirements:

4 (1) It is not patented.

5 (2) It is known only to certain individuals within a commercial concern who are
6 using it to fabricate, produce, or compound an article of trade or a service having
7 commercial value.

8 (3) It gives its user an opportunity to obtain a business advantage over competitors
9 who do not know or use it.

10 **Comment.** Subdivision (a) of Section 7924.510 continues former Section 6254.7(a) without
11 substantive change.

12 Subdivision (b) continues former Section 6254.7(b) without substantive change.

13 Subdivision (c) continues the first sentence of former Section 6254.7(d) without substantive
14 change.

15 Subdivision (d) continues former Section 6254.7(e) without substantive change.

16 Subdivision (e) continues former Section 6254.7(f) without substantive change.

17 Subdivision (f) continues the second sentence of former Section 6254.7(d) without substantive
18 change.

19 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state agency”).
20 See also Section 13 (singular includes plural and vice versa).

21 Article 3. Building Standards and Safety Requirements

22 § 7924.700. Record relating to housing or building violation

23 7924.700. (a) A record of a notice or an order that is directed to the owner of any
24 building and relates to violation of a housing or building code, ordinance, statute, or
25 regulation that constitutes a violation of a standard provided in Section 1941.1 of
26 the Civil Code is a public record.

27 (b) A record of subsequent action with respect to a notice or order described in
28 subdivision (a) is a public record.

29 **Comment.** Section 7924.700 continues former Section 6254.7(c) without substantive change.

30 For a special rule applicable to a trade secret, see Section 7924.510(c).

31 See Section 7920.525 (“public records”). See also Section 13 (singular includes plural and vice
32 versa).

33 **Staff Note.** Subdivisions (a), (b), (d), (e), and (f) of existing Section 6254.7 concern pollution
34 data and other pollution-related matters. In contrast, subdivision (c) concerns violations of building
35 standards and safety requirements. It says:

36 (c) All records of notices and orders directed to the owner of any building of
37 violations of housing or building codes, ordinances, statutes, or regulations which
38 constitute violations of standards provided in Section 1941.1 of the Civil Code, and
39 records of subsequent action with respect to those notices and orders, are public records.

40 Because subdivision (c) deals with a distinct topic, the Commission tentatively decided to
41 recodify it in a separate article as shown here (proposed Section 7924.700) instead of in “Article 2.
42 Pollution” with the rest of the substance of Section 6254.7 (proposed Section 7924.510). That
43 organizational scheme would help draw attention to the provision. However, the approach would
44 also slightly complicate the task of conforming the many statutes that cross-refer to Section 6254.7.

1 | Would the benefits of this organizational scheme outweigh that detriment? **Comments on this**
2 | **point would be helpful.**

3 | Article 4. Enforcement Orders

4 | **§ 7924.900. Internet posting of final enforcement orders of California Environmental**
5 | **Protection Agency and specified entities within that agency**

6 | 7924.900. (a) Every final enforcement order issued by an agency listed in
7 | subdivision (b) under any provision of law that is administered by an entity listed in
8 | subdivision (b), shall be displayed on the entity’s Internet website, if the final
9 | enforcement order is a public record that is not exempt from disclosure pursuant to
10 | this division.

11 | (b) This section applies to the California Environmental Protection Agency and
12 | to all of the following entities within the agency:

13 | (1) The State Air Resources Board.

14 | (2) The California Integrated Waste Management Board.

15 | (3) The State Water Resources Control Board, and each California regional water
16 | quality control board.

17 | (4) The Department of Pesticide Regulation.

18 | (5) The Department of Toxic Substances Control.

19 | (c)(1) Except as provided in paragraph (2), for purposes of this section, an
20 | enforcement order is final when the time for judicial review has expired on or after
21 | January 1, 2001, or when all means of judicial review have been exhausted on or
22 | after January 1, 2001.

23 | (2) In addition to the requirements of paragraph (1), with regard to a final
24 | enforcement order issued by the State Water Resources Control Board or a
25 | California regional water quality control board, this section shall apply only to a
26 | final enforcement order adopted by that entity at a public meeting.

27 | (d) An order posted pursuant to this section shall be posted for not less than one
28 | year.

29 | (e) The California Environmental Protection Agency shall oversee the
30 | implementation of this section.

31 | **Comment.** Section 7924.900 continues former Section 6253.8(a)-(e) without substantive
32 | change.

33 | See Section 7920.525 (“public records”).

34 | CHAPTER 4. FINANCIAL RECORDS AND TAX RECORDS

35 | **§ 7925.000. Confidential taxpayer information required in collection of local taxes**

36 | 7925.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
37 | division does not require the disclosure of information required from any taxpayer
38 | in connection with the collection of local taxes if that information is received in

1 confidence and disclosure of it to other persons would result in unfair competitive
2 disadvantage to the person supplying the information.

3 **Comment.** Section 7925.000 continues former Section 6254(i) without substantive change.
4 See Section 7920.515 (“person”).

5 **§ 7925.005. Personal financial records required by licensing agency**

6 7925.005. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
7 division does not require the disclosure of a statement of personal worth or personal
8 financial data required by a licensing agency and filed by an applicant with the
9 licensing agency to establish the applicant’s personal qualification for the license,
10 certificate, or permit requested.

11 **Comment.** Section 7925.005 continues former Section 6254(n) without substantive change.

12 **§ 7925.010. Financial data relating to service contractor**

13 7925.010. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
14 division does not require the disclosure of any of the following records:

15 (a) Financial data contained in an application for registration, or registration
16 renewal, as a service contractor, which is filed with the Director of Consumer
17 Affairs pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of
18 the Business and Professions Code, for the purpose of establishing the service
19 contractor’s net worth,

20 (b) Financial data regarding the funded accounts held in escrow for service
21 contracts held in force in this state by a service contractor.

22 **Comment.** Section 7925.010 continues former Section 6254(x) without substantive change.

23 CHAPTER 5. HEALTH CARE

24 Article 1. Accreditation

25 **§ 7926.000. Final accreditation report of Joint Commission on Accreditation of Hospitals**

26 7926.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
27 division does not require the disclosure of a final accreditation report of the Joint
28 Commission on Accreditation of Hospitals that has been transmitted to the State
29 Department of Health Care Services pursuant to subdivision (b) of Section 1282 of
30 the Health and Safety Code.

31 **Comment.** Section 7926.000 continues former Section 6254(s) without substantive change.

32 Article 2. Advance Health Care Directive and Related Matters

33 **§ 7926.100. Information provided for purpose of registration in Advance Health Care**

34 **Directive Registry**

35 7926.100. (a) Except as provided in subdivision (b) and in Sections 7924.510,
36 7924.700, and 7927.605, this division does not require the disclosure of any

1 information that a person provides to the Secretary of State for the purpose of
2 registration in the Advance Health Care Directive Registry.

3 (b) The information described in subdivision (a) shall be released at the request
4 of a health care provider, a public guardian, or the registrant’s legal representative.

5 **Comment.** Section 7926.100 continues former Section 6254(ac) without substantive change.
6 See Section 7920.515 (“person”).

7 Article 3. Contracts and Negotiations

8 **§ 7926.200. Health facility disclosing relevant financing information to certified bargaining**
9 **agent**

10 7926.200. The provisions listed in Section 7920.500 do not prevent any health
11 facility from disclosing to a certified bargaining agent relevant financing
12 information pursuant to Section 8 of the National Labor Relations Act (29 U.S.C.
13 Sec. 158).

14 **Comment.** Section 7926.200 continues the unlabeled last paragraph of former Section 6254
15 without substantive change.

16 **§ 7926.205. Specified records of health plan licensed under Knox-Keene Act and governed**
17 **by board of supervisors**

18 7926.205. (a) Nothing in this division or any other provision of law requires
19 disclosure of records of a health plan that is licensed pursuant to the Knox-Keene
20 Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340)
21 of Division 2 of the Health and Safety Code) and that is governed by a county board
22 of supervisors, whether paper records, records maintained in the management
23 information system, or records in any other form, that relate to provider rate or
24 payment determinations, allocation or distribution methodologies for provider
25 payments, formulae or calculations for these payments, and contract negotiations
26 with providers of health care for alternative rates for a period of three years after the
27 contract is fully executed.

28 (b) Transmission of the records described in subdivision (a), or the information
29 contained therein in an alternative form, to the board of supervisors is not a waiver
30 of exemption from disclosure. The records and information once transmitted to the
31 board of supervisors remain subject to the exemption described in subdivision (a).

32 (c)(1) This section does not prevent the Joint Legislative Audit Committee from
33 accessing any records in the exercise of its powers pursuant to Article 1
34 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2.

35 (2) This section does not prevent the Department of Managed Health Care from
36 accessing any records in the exercise of its powers pursuant to Article 1
37 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and
38 Safety Code.

39 **Comment.** Subdivision (a) of Section 7926.205 continues the first sentence of former Section
40 6254.22 without substantive change.

1 Subdivision (b) continues the second sentence of former Section 6254.22 without substantive
2 change.

3 Subdivision (c) continues the third and fourth sentences of former Section 6254.22 without
4 substantive change.

5 **§ 7926.210. Records of municipal hospital or local hospital district that relate to contract**
6 **with insurer or nonprofit hospital service plan for alternative rates**

7 7926.210. (a) Except as provided in subdivision (b) or in Sections 7924.510,
8 7924.700, and 7927.605, this division does not require disclosure of any records of
9 a local hospital district, formed pursuant to Division 23 (commencing with Section
10 32000) of the Health and Safety Code, or a municipal hospital, formed pursuant to
11 Article 7 (commencing with Section 37600) or Article 8 (commencing with Section
12 37650) of Chapter 5 of Part 2 of Division 3 of Title 4, that relate to a contract with
13 an insurer or a nonprofit hospital service plan for inpatient or outpatient services for
14 alternative rates pursuant to Section 10133 of the Insurance Code.

15 (b) A record described in subdivision (a) shall be open to inspection within one
16 year after the contract is fully executed.

17 **Comment.** Section 7926.210 continues former Section 6254(t) without substantive change.

18 **§ 7926.215. Records relating to contracts for health care services for Department of**
19 **Corrections and Rehabilitation**

20 7926.215. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
21 this division does not require disclosure of records of the Department of Corrections
22 and Rehabilitation that relate to health care services contract negotiations, and that
23 reveal the deliberative processes, discussions, communications, or any other portion
24 of the negotiations, including, but not limited to, records related to those
25 negotiations such as meeting minutes, research, work product, theories, or strategy
26 of the department, or its staff, or members of the California Medical Assistance
27 Commission, or its staff, who act in consultation with, or on behalf of, the
28 department.

29 (b)(1) Except for the portion that contains the rates of payment, a contract for
30 health services entered into by the Department of Corrections and Rehabilitation or
31 the California Medical Assistance Commission on or after July 1, 1993, shall be
32 open to inspection one year after it is fully executed.

33 (2) If a contract for health services was entered into before July 1, 1993, and
34 amended on or after July 1, 1993, the amendment, except for any portion containing
35 rates of payment, shall be open to inspection one year after it is fully executed.

36 (c) Three years after a contract or amendment is open to inspection under this
37 section, the portion of the contract or amendment containing the rates of payment
38 shall be open to inspection.

39 (d)(1) Notwithstanding any other provision of law, including, but not limited to,
40 Section 1060 of the Evidence Code, the entire contract or amendment shall be open
41 to inspection by the California State Auditor's Office, the Joint Legislative Audit
42 Committee, and the Legislative Analyst's Office.

1 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
2 and the Legislative Analyst’s Office shall maintain the confidentiality of each
3 contract or amendment until the contract or amendment is fully open to inspection
4 by the public.

5 (e) It is the intent of the Legislature that the confidentiality of health care provider
6 contracts, and of the contracting process as provided in this section, shall protect the
7 competitive nature of the negotiation process, and shall not affect public access to
8 other information relating to the delivery of health care services.

9 **Comment.** Subdivision (a) of Section 7926.215 continues former Section 6254.14(a)(1) without
10 substantive change.

11 Subdivision (b) continues former Section 6254.14(a)(2) without substantive change.

12 Subdivision (c) continues former Section 6254.14(a)(3) without substantive change.

13 Subdivision (d) continues former Section 6254.14(a)(4) without substantive change.

14 Subdivision (e) continues former Section 6254.14(a)(5) without substantive change.

15 **§ 7926.220. Specified records of state agency relating to selective provider contracts, county**
16 **health systems, or Geographic Managed Care Pilot Project**

17 7926.220. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
18 this division does not require disclosure of records of a state agency related to
19 activities governed by Article 2.6 (commencing with Section 14081), Article 2.8
20 (commencing with Section 14087.5), or Article 2.91 (commencing with Section
21 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code,
22 that reveal the special negotiator’s deliberative processes, discussions,
23 communications, or any other portion of the negotiations with providers of health
24 care services, impressions, opinions, recommendations, meeting minutes, research,
25 work product, theories, or strategy, or that provide instruction, advice, or training to
26 employees.

27 (b)(1) Except for the portion containing the rates of payment, a contract for
28 inpatient services entered into pursuant to one of these articles, on or after April 1,
29 1984, shall be open to inspection one year after it is fully executed.

30 (2) If a contract for inpatient services was entered into before April 1, 1984, and
31 amended on or after April 1, 1984, the amendment, except for any portion
32 containing the rates of payment, shall be open to inspection one year after it is fully
33 executed.

34 (3) If the California Medical Assistance Commission enters into a contract with a
35 health care provider for other than inpatient hospital services, the contract shall be
36 open to inspection one year after it is fully executed.

37 (c) Three years after a contract or amendment is open to inspection under this
38 section, the portion of the contract or amendment containing the rates of payment
39 shall be open to inspection.

40 (d)(1) Notwithstanding any other law, the entire contract or amendment shall be
41 open to inspection by the California State Auditor’s Office, the Joint Legislative
42 Audit Committee, and the Legislative Analyst’s Office.

1 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
2 and the Legislative Analyst’s Office shall maintain the confidentiality of each
3 contract or amendment until the contract or amendment is fully open to inspection
4 by the public.

5 **Comment.** Subdivision (a) of Section 7926.220 continues former Section 6254(q)(1) without
6 substantive change.

7 Subdivision (b) continues former Section 6254(q)(2) without substantive change.

8 Subdivision (c) continues former Section 6254(q)(3) without substantive change.

9 Subdivision (d) continues former Section 6254(q)(4) without substantive change. Subdivision
10 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(q).

11 See Section 7920.535 (“state agency”).

12 **§ 7926.225. Specified records of Managed Risk Medical Insurance Board and State**

13 **Department of Health Care Services**

14 7926.225. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
15 this division does not require disclosure of records of the Managed Risk Medical
16 Insurance Board and the State Department of Health Care Services that relate to
17 activities governed by former Part 6.3 (commencing with Section 12695), former
18 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section
19 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the
20 Insurance Code, or Chapter 2 (commencing with Section 15810) or Chapter 4
21 (commencing with Section 15870) of Part 3.3 of Division 9 of the Welfare and
22 Institutions Code, and that reveal any of the following:

23 (1) The deliberative processes, discussions, communications, or any other portion
24 of the negotiations with entities contracting or seeking to contract with the board or
25 the department, entities with which the board or the department is considering a
26 contract, or entities with which the board or department is considering or enters into
27 any other arrangement under which the board or the department provides, receives,
28 or arranges services or reimbursement.

29 (2) The impressions, opinions, recommendations, meeting minutes, research,
30 work product, theories, or strategy of the board or its staff or the department or its
31 staff, or records that provide instructions, advice, or training to their employees.

32 (b)(1) Except for the portion that contains the rates of payment, a contract entered
33 into pursuant to former Part 6.3 (commencing with Section 12695), former Part 6.5
34 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5),
35 or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance
36 Code, or Chapter 2 (commencing with Section 15810) or Chapter 4 (commencing
37 with Section 15870) of Part 3.3 of Division 9 of the Welfare and Institutions Code,
38 on or after July 1, 1991, shall be open to inspection one year after its effective date.

39 (2) If a contract was entered into before July 1, 1991, and amended on or after
40 July 1, 1991, the amendment, except for any portion containing the rates of payment,
41 shall be open to inspection one year after the effective date of the amendment.

1 (c) Three years after a contract or amendment is open to inspection pursuant to
2 this section, the portion of the contract or amendment containing the rates of
3 payment shall be open to inspection.

4 (d)(1) Notwithstanding any other law, the entire contract or amendment to a
5 contract shall be open to inspection by the California State Auditor’s Office, the
6 Joint Legislative Audit Committee, and the Legislative Analyst’s Office.

7 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
8 and the Legislative Analyst’s Office shall maintain the confidentiality of each
9 contract or amendment until the contract or amendment is open to inspection
10 pursuant to subdivision (c).

11 **Comment.** Subdivision (a) of Section 7926.225 continues former Section 6254(v)(1) without
12 substantive change.

13 Subdivision (b) continues former Section 6254(v)(2) without substantive change.

14 Subdivision (c) continues former Section 6254(v)(3) without substantive change.

15 Subdivision (d) continues former Section 6254(v)(4) without substantive change. Subdivision
16 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(v).

17 **Note.** The text shown above incorporates revisions to Section 6254(v) made by 2018 Cal. Stat.
18 ch. 960, § 1 (AB 748 (Ting)).

19 **§ 7926.230. Additional records of Managed Risk Medical Insurance Board and State**
20 **Department of Health Care Services**

21 7926.230. (a) Except as provided in Sections 7924.510, and 7924.700, and
22 7927.605, this division does not require disclosure of records of the Managed Risk
23 Medical Insurance Board and the State Department of Health Care Services related
24 to activities governed by Part 6.2 (commencing with Section 12693) or former Part
25 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code or
26 Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section 15850)
27 of Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the records reveal
28 any of the following:

29 (1) The deliberative processes, discussions, communications, or any other portion
30 of the negotiations with entities contracting or seeking to contract with the board or
31 the department, entities with which the board or department is considering a
32 contract, or entities with which the board or department is considering or enters into
33 any other arrangement under which the board or department provides, receives, or
34 arranges services or reimbursement.

35 (2) The impressions, opinions, recommendations, meeting minutes, research,
36 work product, theories, or strategy of the board or its staff, or the department or its
37 staff, or records that provide instructions, advice, or training to employees.

38 (b)(1) Except for the portion that contains the rates of payment, a contract entered
39 into pursuant to Part 6.2 (commencing with Section 12693) or former Part 6.4
40 (commencing with Section 12699.50) of Division 2 of the Insurance Code, on or
41 after January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter 3
42 (commencing with Section 15850) of Part 3.3 of Division 9 of, the Welfare and
43 Institutions Code shall be open to inspection one year after its effective date.

1 (2) If a contract entered into pursuant to Part 6.2 (commencing with Section
2 12693) or former Part 6.4 (commencing with Section 12699.50) of Division 2 of the
3 Insurance Code or Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing
4 with Section 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions Code,
5 is amended, the amendment shall be open to inspection one year after the effective
6 date of the amendment.

7 (c) Three years after a contract or amendment is open to inspection pursuant to
8 this section, the portion of the contract or amendment containing the rates of
9 payment shall be open to inspection.

10 (d)(1) Notwithstanding any other law, the entire contract or amendments to a
11 contract shall be open to inspection by the California State Auditor’s Office, the
12 Joint Legislative Audit Committee, and the Legislative Analyst’s Office.

13 (2) The California State Auditor’s Office, the Joint Legislative Audit Committee,
14 and the Legislative Analyst’s Office shall maintain the confidentiality of each
15 contract or amendment until the contract or amendment is open to inspection
16 pursuant to subdivision (b) or (c).

17 (e) The exemption from disclosure provided pursuant to this section for the
18 contracts, deliberative processes, discussions, communications, negotiations,
19 impressions, opinions, recommendations, meeting minutes, research, work product,
20 theories, or strategy of the board or its staff, or the department or its staff, shall also
21 apply to the contracts, deliberative processes, discussions, communications,
22 negotiations, impressions, opinions, recommendations, meeting minutes, research,
23 work product, theories, or strategy of applicants pursuant to former Part 6.4
24 (commencing with Section 12699.50) of Division 2 of the Insurance Code or
25 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division 9 of the Welfare
26 and Institutions Code.

27 **Comment.** Subdivision (a) of Section 7926.230 continues former Section 6254(y)(1) without
28 substantive change.

29 Subdivision (b) continues former Section 6254(y)(2) without substantive change.

30 Subdivision (c) continues former Section 6254(y)(3) without substantive change.

31 Subdivision (d) continues former Section 6254(y)(4) without substantive change. Subdivision
32 (d) also continues former Section 6254.14(b) to the extent it applied to former Section 6254(y).

33 Subdivision (e) continues former Section 6254(y)(5) without substantive change. The cross-
34 reference to “Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code”
35 has been updated to reflect the repeal of Part 6.4. See 2014 Cal. Stat. ch. 31, § 37 (former Ins. Code
36 § 12699.64), a sunset provision that operated on Jan. 1, 2016.

37 **Note.** The text shown above incorporates revisions to Section 6254(y)(1)-(2) made by 2018 Cal.
38 Stat. ch. 960, § 1 (AB 748 (Ting)).

39 **§ 7926.235. Records of Managed Risk Medical Insurance Board relating to Small Employer**
40 **Health Insurance**

41 7926.235. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
42 this division does not require disclosure of records of the Managed Risk Medical
43 Insurance Board that relate to activities governed by Chapter 8 (commencing with

1 Section 10700) of Part 2 of Division 2 of the Insurance Code, and that reveal the
2 deliberative processes, discussions, communications, or any other portion of the
3 negotiations with health plans, or the impressions, opinions, recommendations,
4 meeting minutes, research, work product, theories, or strategy of the board or its
5 staff, or records that provide instructions, advice, or training to employees.

6 (b) Except for the portion that contains the rates of payment, a contract for health
7 coverage entered into pursuant to Chapter 8 (commencing with Section 10700) of
8 Part 2 of Division 2 of the Insurance Code, on or after January 1, 1993, shall be open
9 to inspection one year after it has been fully executed.

10 (c)(1) Notwithstanding any other law, the entire contract or amendment to a
11 contract shall be open to inspection by the Joint Legislative Audit Committee.

12 (2) The committee shall maintain the confidentiality of each contract or
13 amendment until the contract or amendment is open to inspection pursuant to
14 subdivision (b).

15 **Comment.** Subdivision (a) of Section 7926.235 continues former Section 6254(w)(1) without
16 substantive change.

17 Subdivision (b) continues former Section 6254(w)(2) without substantive change.

18 Subdivision (c) continues former Section 6254(w)(3) without substantive change.

19 Article 4. In-Home Supportive Services and Personal Care Services

20 § 7926.300. Information regarding persons paid by state to provide in-home supportive 21 services or personal care services

22 7926.300. (a) Notwithstanding any other provision of this division, information
23 regarding persons paid by the state to provide in-home supportive services pursuant
24 to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9
25 of the Welfare and Institutions Code or personal care services pursuant to Section
26 14132.95, 14132.952, 14132.956, or 14132.97 of the Welfare and Institutions Code,
27 is not subject to public disclosure pursuant to this division, except as provided in
28 subdivision (b).

29 (b) Copies of names, addresses, home telephone numbers, personal cellular
30 telephone numbers, and personal email addresses of persons described in
31 subdivision (a) shall be made available, upon request, to an exclusive bargaining
32 agent and to any labor organization seeking representation rights pursuant to
33 subdivision (c) of Section 12301.6, or Section 12302.5, of the Welfare and
34 Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4 of
35 Title 1. This information shall not be used by the receiving entity for any purpose
36 other than the employee organizing, representation, and assistance activities of the
37 labor organization.

38 (c) This section applies solely to individuals who provide services under the In-
39 Home Supportive Services Program (Article 7 (commencing with Section 12300)
40 of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code) or the
41 Personal Care Services Program pursuant to Section 14132.95 of the Welfare and

1 Institutions Code, the In-Home Supportive Services Plus Option Program pursuant
2 to Section 14132.952 of the Welfare and Institutions Code, the Community First
3 Choice Option Program pursuant to Section 14132.956 of the Welfare and
4 Institutions Code, or the Waiver Personal Care Services Program pursuant to
5 Section 14132.97 of the Welfare and Institutions Code.

6 (d) This section does not alter the rights of parties under the Meyers-Milias-Brown
7 Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor
8 relations law.

9 **Comment.** Section 7926.300 continues former Section 6253.2 without substantive change. An
10 erroneous cross-reference to Section 12302.25 (instead of Section 12302.5) of the Welfare and
11 Institutions Code has been corrected.

12 See Section 7920.515 (“person”).

13 **Note.** Proposed Section 7926.300 incorporates revisions to subdivisions (a), (c), and (d) of
14 existing Section 6253.2 that were made by 2018 Cal. Stat. ch. 35, § 4 (AB 1811 (Committee on
15 Budget)), an urgency measure.

16 Article 5. Reproductive Health Services Facility

17 § 7926.400. Definitions

18 7926.400. For purposes of this article, the following terms have the following
19 meanings:

20 (a) “Contractor” means an individual or entity that contracts with a reproductive
21 health services facility for services related to patient care.

22 (b) “Personal information” means any of the following information related to an
23 individual that is maintained by a public agency:

24 (1) Social security number.

25 (2) Physical description.

26 (3) Home address.

27 (4) Home telephone number.

28 (5) Statements of personal worth or personal financial data filed pursuant to
29 Section 7925.005.

30 (6) Personal medical history.

31 (7) Employment history.

32 (8) Electronic mail address.

33 (9) Information that reveals any electronic network location or identity.

34 (c) “Public agency” means all of the following:

35 (1) The Department of Consumer Affairs.

36 (2) The Department of Managed Health Care.

37 (3) The State Department of Health Care Services.

38 (4) The State Department of Public Health.

39 (d) “Reproductive health services facility” means the office of a licensed
40 physician and surgeon whose specialty is family practice, obstetrics, or gynecology,

1 or a licensed clinic, where at least 50 percent of the patients of the physician or the
2 clinic are provided with family planning or abortion services.

3 **Comment.** Subdivision (a) of Section 7926.400 continues former Section 6254.18(b)(1) without
4 substantive change.

5 Subdivision (b) continues former Section 6254.18(b)(2) without substantive change.

6 Subdivision (c) continues former Section 6254.18(b)(3) without substantive change. For another
7 definition of “public agency,” see Section 7920.520(a).

8 Subdivision (d) continues former Section 6254.18(b)(4) without substantive change.

9 **§ 7926.405. Personal information regarding employees or specified other persons associated**
10 **with reproductive health services facility**

11 7926.405. Nothing in this division requires disclosure of any personal information
12 received, collected, or compiled by a public agency regarding the employees,
13 volunteers, board members, owners, partners, officers, or contractors of a
14 reproductive health services facility who have notified the public agency pursuant
15 to Section 7926.415 if the personal information is contained in a document that
16 relates to the facility.

17 **Comment.** Section 7926.405 continues former Section 6254.18(a) without substantive change.

18 See Section 7926.400 (defining “contractor,” “personal information,” “public agency,” and
19 “reproductive health services facility”). See also Sections 7926.410 (proceeding for access to
20 employment history information), 7926.415 (notification requirement for individual), 7926.420
21 (duration of privacy protections), 7926.425 (notice of separation), and 7926.430 (disclosure of data
22 regarding age, race, ethnicity, national origin, or gender, without individually identifiable
23 information).

24 **§ 7926.410. Proceeding for access to employment history information**

25 7926.410. (a) Any person may institute proceedings for injunctive or declarative
26 relief or writ of mandate in any court of competent jurisdiction to obtain access to
27 employment history information pursuant to Part 4 (commencing with Section
28 7923.000).

29 (b) If the court finds, based on the facts of a particular case, that the public interest
30 served by disclosure of employment history information clearly outweighs the
31 public interest served by not disclosing the information, the court shall order the
32 officer or person charged with withholding the information to disclose employment
33 history information or show cause why that officer or person should not do so
34 pursuant to Chapter 2 (commencing with Section 7923.100) of Part 4.

35 **Comment.** Section 7926.410 continues former Section 6254.18(c) without substantive change.

36 See Section 7920.515 (“person”).

37 **§ 7926.415. Notification requirement for individual**

38 7926.415. (a) In order for this article to apply to an individual who is an employee,
39 volunteer, board member, officer, or contractor of a reproductive health services
40 facility, the individual shall notify the public agency to which the individual’s
41 personal information is being submitted or has been submitted that the individual
42 falls within the application of this article.

1 (b) Notification pursuant to subdivision (a) is valid if it complies with all of the
2 following:

3 (1) It is on the official letterhead of the facility.

4 (2) It is clearly separate from any other language present on the same page and is
5 executed by a signature that serves no other purpose than to execute the notification.

6 (3) It is signed and dated by both of the following:

7 (A) The individual whose information is being submitted.

8 (B) The executive officer of the reproductive health services facility or designee
9 of the executive officer.

10 (c) A reproductive health services facility shall retain a copy of all notifications
11 submitted pursuant to this article.

12 **Comment.** Subdivision (a) of Section 7926.415 continues the first sentence of former Section
13 6254.18(d) without substantive change.

14 Subdivision (b) continues the third sentence of former Section 6254.18(d) without substantive
15 change.

16 Subdivision (c) continues the second sentence of former Section 6254.18(d) without substantive
17 change.

18 See Section 7926.400 (defining “contractor,” “personal information,” “public agency,” and
19 “reproductive health services facility”). See also Sections 7926.420 (duration of privacy
20 protections) and 7926.425 (notice of separation).

21 **§ 7926.420. Duration of privacy protections**

22 7926.420. The privacy protections for personal information authorized pursuant
23 to this article are effective from the time of notification pursuant to Section
24 7926.415 until either one of the following occurs:

25 (a) Six months after the date of separation from a reproductive health services
26 facility for an individual who has served for not more than one year as an employee,
27 contractor, volunteer, board member, or officer of the reproductive health services
28 facility.

29 (b) One year after the date of separation from a reproductive health services
30 facility for an individual who has served for more than one year as an employee,
31 contractor, volunteer, board member, or officer of the reproductive health services
32 facility.

33 **Comment.** Section 7926.420 continues former Section 6254.18(e) without substantive change.

34 See Section 7926.400 (defining “contractor,” “personal information,” and “reproductive health
35 services facility”). See also Sections 7926.405 (personal information regarding employees or
36 specified other persons associated with reproductive health services facility), 7926.410 (proceeding
37 for access to employment history information), 7926.425 (notice of separation), and 7926.430
38 (disclosure of data regarding age, race, ethnicity, national origin, or gender, without individually
39 identifiable information).

40 **§ 7926.425. Notice of separation**

41 7926.425. Within 90 days of separation of an employee, contractor, volunteer,
42 board member, or officer of the reproductive health services facility who has
43 provided notice to a public agency pursuant to Section 7926.415, the facility shall
44 provide notice of the separation to the relevant agency or agencies.

1 **Comment.** Section 7926.425 continues former Section 6254.18(f) without substantive change.
2 An erroneous cross-reference to former Section 6254.18(c) (instead of former Section 6254.18(d))
3 has been corrected.

4 See Section 7926.400 (defining “contractor,” “public agency,” and “reproductive health services
5 facility”). See also Section 7926.420 (duration of privacy protections).

6 **§ 7926.430. Disclosure of data regarding age, race, ethnicity, national origin, or gender,
7 without individually identifiable information**

8 7926.430. Nothing in this article prevents a government agency from disclosing
9 data regarding the age, race, ethnicity, national origin, or gender of individuals
10 whose personal information is protected pursuant to this article, so long as the data
11 contains no individually identifiable information.

12 **Comment.** Section 7926.430 continues former Section 6254.18(g) without substantive change.
13 See Section 7926.400 (defining “personal information”).

14 **Article 6. Web Sites and Related Matters**

15 **§ 7926.500. Implementation of CPRA by health care district**

16 7926.500. In implementing this division, each health care district shall maintain
17 an Internet Web site in accordance with subdivision (b) of Section 32139 of the
18 Health and Safety Code.

19 **Comment.** Section 7926.500 continues former Section 6270.7 without substantive change.

20 **Note.** Section 6270.7 was just added to the codes by 2018 Cal. Stat. ch. 257, § 1 (AB 2019
21 (Aguiar-Curry)).

22 **CHAPTER 6. HISTORICALLY OR CULTURALLY SIGNIFICANT MATTERS**

23 **§ 7927.000. Native American sacred places, features, and objects**

24 7927.000. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
25 division does not require disclosure of any of the following:

26 (a) Records of Native American graves, cemeteries, and sacred places.

27 (b) Records of Native American places, features, and objects described in Sections
28 5097.9 and 5097.993 of the Public Resources Code, which are maintained by, or in
29 the possession of, the Native American Heritage Commission, another state agency,
30 or a local agency.

31 **Comment.** Section 7927.000 continues former Section 6254(r) without substantive change.
32 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

33 **§ 7927.005. Archaeological site information and reports**

34 7927.005. Nothing in this division requires disclosure of records that relate to
35 archaeological site information and reports maintained by, or in the possession of,
36 the Department of Parks and Recreation, the State Historical Resources
37 Commission, the State Lands Commission, the Native American Heritage
38 Commission, another state agency, or a local agency, including the records that the

1 agency obtains through a consultation process between a California Native
2 American tribe and a state or local agency.

3 **Comment.** Section 7927.005 continues former Section 6254.10 without substantive change.
4 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

5 CHAPTER 7. LIBRARY RECORDS

6 § 7927.100. Library circulation records and library and museum materials

7 7927.100. (a) Except as provided in Sections 7924.510, 7924.700, and 7927.605,
8 this division does not require disclosure of any of the following:

9 (1) Library circulation records kept for the purpose of identifying the borrower of
10 items available in libraries.

11 (2) Library and museum materials made or acquired and presented solely for
12 reference or exhibition purposes.

13 (b) The exemption in this section does not apply to records of fines imposed on
14 the borrowers.

15 **Comment.** Section 7927.100 continues former Section 6254(j) without substantive change.

16 § 7927.105. Patron use records of library supported by public funds

17 7927.105. (a) As used in this section, the term “patron use records” includes the
18 following:

19 (1) Any written or electronic record that is used to identify a library patron and is
20 provided by the patron to become eligible to borrow or use books and other
21 materials. This includes, but is not limited to, a patron’s name, address, telephone
22 number, or e-mail address.

23 (2) Any written record or electronic transaction that identifies a patron’s
24 borrowing information or use of library information resources. This includes, but is
25 not limited to, database search records, borrowing records, class records, and any
26 other personally identifiable uses of library resources information requests, or
27 inquiries.

28 (b) This section does not apply to either of the following:

29 (1) Statistical reports of patron use.

30 (2) Records of fines collected by a library.

31 (c) All patron use records of a library that is in whole or in part supported by
32 public funds shall remain confidential. A public agency, or a private actor that
33 maintains or stores patron use records on behalf of a public agency, shall not
34 disclose those records to any person, local agency, or state agency, except as
35 follows:

36 (1) By a person acting within the scope of the person’s duties within the
37 administration of the library.

38 (2) By a person authorized in writing to inspect the records. The authorization
39 shall be from the individual to whom the records pertain.

40 (3) By order of the appropriate superior court.

1 **Comment.** Section 7927.105 continues former Section 6267 without substantive change.
2 See Sections 7920.505 (“local agency”), 7920.515 (“person”), 7920.520 (“public agency”),
3 7920.535 (“state agency”), 7920.540 (“writing”).

4 CHAPTER 8. LITIGATION RECORDS

5 **§ 7927.200. Records relating to pending litigation or pending claim**

6 7927.200. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
7 division does not require disclosure of any of the following records:

8 (a) Records pertaining to pending litigation to which the public agency is a party,
9 until the pending litigation has been finally adjudicated or otherwise settled.

10 (b) Records pertaining to a claim made pursuant to Division 3.6 (commencing
11 with Section 810), until the pending claim has been finally adjudicated or otherwise
12 settled.

13 **Comment.** Section 7927.200 continues former Section 6254(b) without substantive change.
14 See Section 7920.520 (“public agency”).

15 **§ 7927.205. Memorandum of legal counsel relating to pending litigation**

16 7927.205. Nothing in this division or any other provision of law requires
17 disclosure of a memorandum submitted to a state body or to the legislative body of
18 a local agency by its legal counsel pursuant to subdivision (e) of Section 11126 or
19 Section 54956.9 until the pending litigation has been finally adjudicated or
20 otherwise settled. The memorandum is protected by the attorney work-product
21 privilege until the pending litigation has been finally adjudicated or otherwise
22 settled.

23 **Comment.** Section 7927.205 continues former Section 6254.25 without substantive change. The
24 cross-reference to Section 11126 has been updated to reflect relocation of the relevant material
25 from subdivision (q) to subdivision (e) of that section.

26 See Section 7920.505 (“local agency”).

27 **Note.** Existing Section 6254.25 cross-refers to “subdivision (q) of Section 11126.” However,
28 Section 11126 no longer has a subdivision (q); the material in question was relocated to subdivision
29 (e) in 1996 (see 1996 Cal. Stat. ch. 1041, § 5). Proposed Section 7927.205 (continuing the substance
30 of Section 6254.25) would correct this erroneous cross-reference, as mentioned in the
31 accompanying Comment.

32 In addition, the cross-referenced provision (Section 11126) appears to contain an inadvertent
33 drafting error. Some paragraph relabeling and related revisions seem necessary. To fix the problem,
34 the Commission plans to include a technical amendment of Section 11126 with the conforming
35 revisions and repeals for its proposed recodification. For further discussion of this point, see CLRC
36 Staff Memorandum 2017-50, pp. 11-16.

37 **The Commission welcomes input on any aspect of its proposed recodification, but it would**
38 **especially appreciate public comment on these matters.**

1 CHAPTER 9. MISCELLANEOUS PUBLIC RECORDS

2 § 7927.300. Computer software

3 7927.300. (a) As used in this section, “computer software” includes computer
4 mapping systems, computer programs, and computer graphics systems.

5 (b) Computer software developed by a state or local agency is not itself a public
6 record under this division. The agency may sell, lease, or license the software for
7 commercial or noncommercial use.

8 (c) This section shall not be construed to create an implied warranty on the part
9 of the State of California or any local agency for errors, omissions, or other defects
10 in any computer software as provided pursuant to this section.

11 (d) Nothing in this section is intended to affect the public record status of
12 information merely because it is stored in a computer. Public records stored in a
13 computer shall be disclosed as required by this division.

14 (e) Nothing in this section is intended to limit any copyright protections.

15 **Comment.** Section 7927.300 continues former Section 6254.9 without substantive change.
16 See Sections 7920.505 (“local agency”), 7920.525 (“public records”), 7920.535 (“state agency”).

17 § 7927.305. Confidential information relating to utility systems development, or market or
18 crop reports

19 7927.305. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
20 division does not require disclosure of geological and geophysical data, plant
21 production data, and similar information relating to utility systems development, or
22 market or crop reports, that are obtained in confidence from any person.

23 **Comment.** Section 7927.305 continues former Section 6254(e) without substantive change.
24 See Section 7920.515 (“person”).

25 CHAPTER 10. PERSONAL INFORMATION AND CUSTOMER RECORDS

26 § 7927.400. Personal information electronically collected by state agency

27 7927.400. Nothing in this division requires the disclosure of records that relate to
28 electronically collected personal information, as defined by Section 11015.5, that is
29 received, collected, or compiled by a state agency.

30 **Comment.** Section 7927.400 continues former Section 6254.20 without substantive change.

31 § 7927.405. Residence or mailing address in records of Department of Motor Vehicles

32 7927.405. Nothing in this division requires the disclosure of the residence or
33 mailing address of any person in any record of the Department of Motor Vehicles
34 except in accordance with Section 1808.21 of the Vehicle Code.

35 **Comment.** Section 7927.405 continues former Section 6254.1(b) without substantive change.
36 See Section 7920.515 (“person”).

1 **§ 7927.410. Personal information of local agency utility customers**

2 7927.410. Nothing in this division requires the disclosure of the name, credit
3 history, utility usage data, home address, or telephone number of a utility customer
4 of a local agency, except that disclosure of the name, utility usage data, and the
5 home address of a utility customer of a local agency shall be made available upon
6 request as follows:

7 (a) To an agent or authorized family member of the person to whom the
8 information pertains.

9 (b) To an officer or employee of another governmental agency when necessary
10 for the performance of its official duties.

11 (c) Upon court order or the request of a law enforcement agency relative to an
12 ongoing investigation.

13 (d) Upon determination by the local agency that the utility customer who is the
14 subject of the request has used utility services in a manner inconsistent with
15 applicable local utility usage policies.

16 (e) Upon determination by the local agency that the utility customer who is the
17 subject of the request is an elected or appointed official with authority to determine
18 the utility usage policies of the local agency, provided that the home address of an
19 appointed official shall not be disclosed without the official's consent.

20 (f) Upon determination by the local agency that the public interest in disclosure
21 of the information clearly outweighs the public interest in nondisclosure.

22 **Comment.** Section 7927.410 continues former Section 6254.16 without substantive change.
23 See Sections 7920.505 ("local agency"), 7920.515 ("person").

24 **§ 7927.415. Residence address in records of Department of Housing and Community
25 Development**

26 7927.415. Except as provided in Sections 7924.510 and 7924.700, nothing in this
27 division requires disclosure of records that are the residence address of any person
28 contained in the records of the Department of Housing and Community
29 Development, if the person has requested confidentiality of that information, in
30 accordance with Section 18081 of the Health and Safety Code.

31 **Comment.** Section 7927.415 continues former Section 6254.1(a) without substantive change.
32 See Section 7920.515 ("person").

33 **§ 7927.420. Information relating to deceased minor foster child**

34 7927.420. Notwithstanding paragraph (2) of subdivision (a) of Section 827 of the
35 Welfare and Institutions Code, after the death of a foster child who is a minor, the
36 name, date of birth, and date of death of the child shall be subject to disclosure by
37 the county child welfare agency pursuant to this division.

38 **Comment.** Section 7927.420 continues former Section 6252.6 without substantive change.

1 CHAPTER 11. PRELIMINARY DRAFTS AND SIMILAR MATERIALS

2 **§ 7927.500. Preliminary drafts, notes, or interagency or intra-agency memoranda not**
3 **ordinarily retained**

4 7927.500. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
5 division does not require disclosure of any preliminary drafts, notes, or interagency
6 or intra-agency memoranda that are not retained by a public agency in the ordinary
7 course of business, if the public interest in withholding those records clearly
8 outweighs the public interest in disclosure.

9 **Comment.** Section 7927.500 continues former Section 6254(a) without substantive change.
10 See Section 7920.520 (“public agency”).

11 CHAPTER 12. PRIVATE INDUSTRY

12 **§ 7927.600. Identity of private industry employer obtained in conjunction with collection of**
13 **private industry wage data**

14 7927.600. Whenever a city and county or a joint powers agency, pursuant to a
15 mandatory statute or charter provision to collect private industry wage data for
16 salary setting purposes, or a contract entered to implement that mandate, is provided
17 this data by the federal Bureau of Labor Statistics on the basis that the identity of
18 private industry employers shall remain confidential, the identity of the employers
19 shall not be open to the public or be admitted as evidence in any action or special
20 proceeding.

21 **Comment.** Section 7927.600 continues former Section 6254.6 without substantive change.

22 **§ 7927.605. Records relating to siting of private company**

23 7927.605. (a) Nothing in this division requires the disclosure of records that are
24 any of the following: corporate financial records, corporate proprietary information
25 including trade secrets, and information relating to siting within the state furnished
26 to a government agency by a private company for the purpose of permitting the
27 agency to work with the company in retaining, locating, or expanding a facility
28 within California.

29 (b) Except as provided in subdivision (c), incentives offered by a state or a local
30 government agency, if any, shall be disclosed upon communication to the agency or
31 the public of a decision to stay, locate, relocate, or expand, by a company, or upon
32 application by that company to a governmental agency for a general plan
33 amendment, rezone, use permit, building permit, or any other permit, whichever
34 occurs first.

35 (c) Before publicly disclosing a record that describes state or local incentives
36 offered by an agency to a private business to retain, locate, relocate, or expand the
37 business within California, the agency shall delete information that is exempt
38 pursuant to this section.

39 **Comment.** Section 7927.605 continues former Section 6254.15 without substantive change.

1 See Sections 7920.505 (“local agency”), 7920.535 (“state agency”).

2 CHAPTER 13. PRIVATE RECORDS, PRIVILEGED MATERIALS, AND
3 OTHER RECORDS PROTECTED BY LAW FROM DISCLOSURE

4 § 7927.700. Personnel, medical, and similarly private files

5 7927.700. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
6 division does not require disclosure of personnel, medical, or similar files, the
7 disclosure of which would constitute an unwarranted invasion of personal privacy.

8 **Comment.** Section 7927.700 continues former Section 6254(c) without substantive change.

9 In addition to this section, many other laws protect personal privacy to one degree or another.
10 See, e.g., Health Insurance Portability and Accountability Act (“HIPPA”), Pub. Law 104-191, 110
11 Stat. 1936 (1996); Public Safety Officers Procedural Bill of Rights Act (“POBAR”), Gov’t Code
12 §§ 3300-3312; Penal Code §§ 832.5, 832.7, 832.8.

13 **Note.** Proposed Section 7927.700 would continue the substance of Section 6254(c), which refers
14 broadly to “personnel, medical, or similar files, the disclosure of which would constitute an
15 unwarranted invasion of personal privacy.” There are also a variety of other, more specific, legal
16 protections for medical, personnel, and similarly private records.

17 It would be helpful to refer to the most important such legal protections in the Comment to
18 proposed Section 7927.700. **The Commission encourages input on which legal protections to
19 mention in this Comment.**

20 **The Commission would also appreciate input on any other aspect of this draft, including
21 input on which code provisions, cases, or other legal authorities to mention in any of the
22 Comments.** Such assistance would be invaluable, helping to make the proposed recodification
23 user-friendly and effective.

24 § 7927.705. Privileged records and other records protected by law from disclosure

25 7927.705. Except as provided in Sections 7924.510, 7924.700, and 7927.605, this
26 division does not require disclosure of records, the disclosure of which is exempted
27 or prohibited pursuant to federal or state law, including, but not limited to,
28 provisions of the Evidence Code relating to privilege.

29 **Comment.** Section 7927.705 continues former Section 6254(k) without substantive change.

30 For evidentiary privileges under state law, see Evid. Code §§ 900-1070; see also Code Civ. Proc.
31 §§ 2018.010-2018.080 (attorney work product); Evid. Code §§ 1115-1129 (mediation
32 confidentiality). For evidentiary privileges under federal law, see Fed. R. Evid. 501.

33 Many other state and federal laws also exempt or prohibit disclosure of records. See, e.g.,
34 Sections 7922.000 (CPRA catchall provision); 7923.600-79xx.xxx (specific types of public
35 records), 79xx.xxx-79xx.xxx (other exemptions from disclosure).

DISPOSITION OF FORMER LAW

Note. This table shows the proposed disposition of the following provisions of the California Public Records Act (Gov't Code §§ 6250-6276.48), as that law existed on January 1, 2018. Unless otherwise indicated, all statutory references are to the Government Code.

Existing Provision	Proposed Provision(s)	Existing Provision	Proposed Provision(s)
6250	7921.000	6253.9(c)	7922.580(a)
6251	7920.000	6253.9(d)	7922.570(c)
6252(a)	7920.505	6253.9(e)	7922.580(b)
6252(b)	7920.510	6253.9(f)	7922.580(c)
6252(c)	7920.515	6253.9(g)	7922.580(d)
6252(d)	7920.520(a)	6253.10	7922.680
6252(e)	7920.525	6254 intro cl	7923.600(a), 7923.700
6252(f)	7920.535	7923.800, 7923.805
6252(g)	7920.540	6254(a)	7927.500
6252.5	7921.305	6254(b)	7927.200
6252.6	7927.420	6254(c)	7927.700
6252.7	7921.310	6254(e)	7927.305
6253(a) 1st sent	7922.525(a)	6254(f) 1st sent	7923.600(a)
6253(a) 2d sent	7922.525(b)	6254(f) 2d sent	7923.605(a)
6253(b)	7922.530	6254(f) 3d sent	7923.605(b)
6253(c) 1st, 4th sent	7922.535(a)	6254(f) 2d ¶	7923.600(b)
6253(c) 2d, 3d sent	7922.535(b)	6254(f) 3d ¶	7923.610, 7923.615(a),
6253(c) 5th sent	7922.535(c)	7923.620(a)
6253(d) 1st sent	7922.500	6254(f)(1)	7923.610
6253(d) 2d sent	7922.540(b)	6254(f)(2)(A) 1st sent	7923.615(a)
6253(e)	7922.505	6254(f)(2)(A) 2d, 3d sent	7923.615(b)
6253(f) 1st sent	7922.545(a)	6254(f)(2)(B)	7923.615(c)
6253(f) 2d sent	7922.545(b)	6254(f)(3) 1st, 2d sent	7923.620(a)
6253.1(a)-(c)	7922.600	6254(f)(3) 3d sent	7923.620(b)
6253.1(d)	7922.605	6254(f)(3) 4th sent	7923.620(c)
6253.2	7926.300	6254(f)(4)	7923.625
6253.3	7921.005	6254(i)	7925.000
6253.4(a) 1st ¶	7922.630	6254(j)	7927.100
6253.4(a) 2d ¶	7922.635	6254(k)	7927.795
6253.4(b)	7922.640	6254(n)	7925.005
6253.5(a) 1st sent	7924.110(a)-(b)	6254(o)	7924.505
6253.5(a) 2d sent	7924.110(c)	6254(q)(1)	7926.220(a)
6253.5(b)	7924.110(d)	6254(q)(2)	7926.220(b)
6253.5(c)	7924.100	6254(q)(3)	7926.220(c)
6253.5(d)	7924.105	6254(q)(4)	7926.220(d)
6253.6	7924.005	6254(r)	7927.000
6253.8(a)-(e)	7924.900	6254(s)	7926.000
6253.8(f)	not cont'd	6254(t)	7926.210
6253.9 intro cl 1st part	7922.570(a)	6254(u)(1)	7923.800
6253.9 intro cl 2d part	7922.570(b)	6254(u)(2)-(3)	7923.805
6253.9(a)(1)	7922.570(b)	6254(v)(1)	7926.225(a)
6253.9(a)(2) 1st sent	7922.570(b)	6254(v)(2)	7926.225(b)
6253.9(a)(2) 2d sent	7922.575(a)	6254(v)(3)	7926.225(c)
6253.9(b)	7922.575(b)	6254(v)(4)	7926.225(d)

Existing Provision	Proposed Provision(s)	Existing Provision	Proposed Provision(s)
6254(w)(1)	7926.235(a)	6254.17	7923.755
6254(w)(2)	7926.235(b)	6254.18(a)	7926.405
6254(w)(3)	7926.235(c)	6254.18(b)(1)	7926.400(a)
6254(x)	7925.010	6254.18(b)(2)	7926.400(b)
6254(y)(1)	7926.230(a)	6254.18(b)(3)	7926.400(c)
6254(y)(2)	7926.230(b)	6254.18(b)(4)	7926.400(d)
6254(y)(3)	7926.230(c)	6254.18(c)	7926.410
6254(y)(4)	7926.230(d)	6254.18(d) 1st sent	7926.415(a)
6254(y)(5)	7926.230(e)	6254.18(d) 2d sent	7926.415(c)
6254(z)	7923.700	6254.18(d) 3d sent	7926.415(b)
6254(ac)	7926.100	6254.18(e)	7926.420
6254 next-to-last ¶	7921.500	6254.18(f)	7926.425
6254 last ¶ (unlabeled)	7926.200	6254.18(g)	7926.430
6254.1(a)	7927.415	6254.20	7927.400
6254.1(b)	7927.405	6254.22 1st sent	7926.205(a)
6254.2(a)	7924.300	6254.22 2d sent	7926.205(b)
6254.2(b)	7924.305(a)	6254.22 3d & 4th sent	7926.205(c)
6254.2(c)	7924.305(b)	6254.24	7920.530
6254.2(d)	7924.305(c)	6254.25	7927.205
6254.2(e)	7924.305(d)	6254.27	7922.205
6254.2(f)	7924.305(f)	6254.28	7922.210
6254.2(g)	7924.335	6254.29	7922.200
6254.2(h)	7924.310(a)-(b)	6254.30 1st sent	7923.655(a)
6254.2(i)	7924.315	6254.30 2d sent	7923.655(b)
6254.2(j)	7924.320	6255(a)	7922.000
6254.2(k)	7924.310(c)	6255(b)	7922.540(a)
6254.2(l)	7924.330	6257.5	7921.300
6254.2(m)	7924.305(e)	6258 1st sent	7923.000
6254.2(n)	7924.325	6258 2d sent	7923.005
6254.4	7924.000	6259(a) 1st sent	7923.100
6254.4.5	7923.750	6259(a) 2d sent	7923.105
6254.5 1st sent	7921.505(a)	6259(b)	7923.110
6254.5 2d sent	7920.300	6259(c) 1st sent intro cl	not cont'd
6254.5(a)-(i)	7921.505(b)	6259(c) 1st sent remainder	7923.500
6254.6	7927.600	6259(c) 2d sent	7923.505(a)
6254.7(a)	7924.510(a)	6259(c) 3d sent	7923.505(b)
6254.7(b)	7924.510(b)	6259(c) 4th sent	7923.510
6254.7(c)	7924.700	6259(c) 5th sent	7923.120
6254.7(d) 1st sent	7924.510(c)	6259(d)	7923.115(a)-(b)
6254.7(d) 2d sent	7924.510(f)	6259(e)	7923.115(c)
6254.7(e)	7924.510(d)	6260	7920.200
6254.7(f)	7924.510(e)	6262	7923.650
6254.9	7927.300	6263	7921.700
6254.10	7927.005	6264	7921.705
6254.11	7924.500	6265	7921.710
6254.13	7927.605	6267	7927.105
6254.14(a)(1)	7926.215(a)	6270	7921.010
6254.14(a)(2)	7926.215(b)	6270.5(a) 1st sent	7922.710(a)
6254.14(a)(3)	7926.215(c)	6270.5(a) 2d sent	7922.715(a)
6254.14(a)(4)	7926.215(d)	6270.5(a) 3d sent	7922.715(b)
6254.14(a)(5)	7926.215(e)	6270.5(a) 4th sent	7922.720(a), (b)
6254.14(b)	7926.220(d), 7926.225(d), 7926.230(d)	6270.5(b)	7922.725(a)
6254.16	7927.410	6270.5(c)(1)	7922.700(a)
		6270.5(c)(2)	7922.705

Existing Provision	Proposed Provision(s)	Existing Provision	Proposed Provision(s)
6270.5(c)(3)	7922.700(b)	6270.5(f)	7922.710(b)
6270.5(d)	7922.725(b)	6270.7	7926.500
6270.5(e).....	7922.720(c)		

DERIVATION OF NEW LAW

Note. This table shows the derivation of each proposed provision in this draft. Unless otherwise indicated, all statutory references are to the Government Code.

Proposed Provision	Existing Provision(s)	Proposed Provision	Existing Provision(s)
7920.000	6251	7922.545(a)	6253(f) 1st sent
7920.005	new	7922.545(b)	6253(f) 2d sent
7920.100	new	7922.570(a)	6253.9 intro cl 1st part
7920.105	new	7922.570(b)	6253.9 intro cl 2d part, (a)(1), (a)(2) 1st sent
7920.110	new	7922.570(c)	6253.9(d)
7920.115	new	7922.575(a)	6253.9(a)(2) 2d sent
7920.120	new	7922.575(b)	6253.9(b)
7920.200	6260	7922.580(a)	6253.9(c)
7920.300	6254.5, 2d sent	7922.580(b)	6253.9(e)
7920.500	new	7922.580(c)	6253.9(f)
7920.505	6252(a)	7922.580(d)	6253.9(g)
7920.510	6252(b)	7922.600	6253.1(a)-(c)
7920.515	6252(c)	7922.605	6253.1(d)
7920.520(a)	6252(d)	7922.630	6253.4(a) 1st ¶
7920.520(b)	new	7922.635	6253.4(a) 2d ¶
7920.525	6252(e)	7922.640	6253.4(b)
7920.530	6254.24	7922.680	6253.10
7920.535	6252(f)	7922.700(a)	6270.5(c)(1)
7920.537	new	7922.700(b)	6270.5(c)(3)
7920.540	6252(g)	7922.705	6270.5(c)(2)
7921.000	6250	7922.710(a)	6270.5(a) 1st sent
7921.005	6253.3	7922.710(b)	6270.5(f)
7921.010	6270	7922.715(a)	6270.5(a) 2d sent
7921.300	6257.5	7922.715(b)	6270.5(a) 3d sent
7921.305	6252.5	7922.720(a), (b)	6270.5(a) 4th sent
7921.310	6252.7	7922.720(c)	6270.5(e)
7921.500	6254 next-to-last ¶	7922.725(a)	6270.5(b)
7921.505(a)	6254.5 1st sent	7922.725(b)	6270.5(d)
7921.505(b)	6254.5(a)-(i)	7923.000	6258 1st sent
7921.700	6263	7923.005	6258 2d sent
7921.705	6264	7923.100	6259(a) 1st sent
7921.710	6265	7923.105	6259(a) 2d sent
7922.000	6255(a)	7923.110	6259(b)
7922.200	6254.29	7923.115(a)-(b)	6259(d)
7922.205	6254.27	7923.115(c)	6259(e)
7922.210	6254.28	7923.120	6259(c) 5th sent
7922.500	6253(d) 1st sent	7923.500	6259(c) 1st sent
7922.505	6253(e)	7923.505(a)	6259(c) 2d sent
7922.525(a)	6253(a) 1st sent	7923.505(b)	6259(c) 3d sent
7922.525(b)	6253(a) 2d sent	7923.510	6259(c) 4th sent
7922.530	6253(b)	7923.600(a)	6254 intro cl (re 6254(f)), 6254(f) 1st sent
7922.535(a)	6253(c) 1st, 4th sent	7923.600(b)	6254(f) 2d ¶
7922.535(b)	6253(c) 2d, 3d sent	7923.605(a)	6254(f) 2d sent
7922.535(c)	6253(c) 5th sent	7923.605(b)	6254(f) 3d sent
7922.540(a)	6255(b)	7923.610	6254(f) 3d ¶ (re 6254(f)(1)),
7922.540(b)	6253(d) 2d sent		
7922.540(c)	new		

Proposed Provision	Existing Provision(s)	Proposed Provision	Existing Provision(s)
	6254(f)(1)	7926.000	6254(s)
7923.615(a)	6254(f) 3d ¶ (re 6254(f)(2)(A)),	7926.100	6254(ac)
	6254(f)(2)(A) 1st sent	7926.200	6254 last ¶ (unlabeled)
7923.615(b)	6254(f)(2)(A) 2d, 3d sent	7926.205(a)	6254.22 1st sent
7923.615(c)	6254(f)(2)(B)	7926.205(b)	6254.22 2d sent
7923.620(a)	6254(f) 3d ¶ (re 6254(f)(3)),	7926.205(c)	6254.22 3d & 4th sent
	6254(f)(3) 1st, 2d sent	7926.210	6254(t)
7923.620(b)	6254(f)(3) 3d sent	7926.215(a)	6254.14(a)(1)
7923.620(c)	6254(f)(3) 4th sent	7926.215(b)	6254.14(a)(2)
7923.625	6254(f)(4)	7926.215(c)	6254.14(a)(3)
7923.650	6262	7926.215(d)	6254.14(a)(4)
7923.655(a)	6254.30 1st sent	7926.215(e)	6254.14(a)(5)
7923.655(b)	6254.30 2d sent	7926.220(a)	6254(q)(1)
7923.700	6254 intro cl (re 6254(z)), 6254(z)	7926.220(b)	6254(q)(2)
7923.750	6254.4.5	7926.220(c)	6254(q)(3)
7923.755	6254.17	7926.220(d)	6254(q)(4),
7923.800	6254 intro cl (re 6254(u)(1)),		6254.14(b) (re 6254(q))
	6254(u)(1)	7926.225(a)	6254(v)(1)
7923.805	6254 intro cl (re 6254(u)(2)-(3)),	7926.225(b)	6254(v)(2)
	6254(u)(2)-(3)	7926.225(c)	6254(v)(3)
7924.000	6254.4	7926.225(d)	6254(v)(4),
7924.005	6253.6		6254.14(b) (re 6254(v))
7924.100	6253.5(c)	7926.230(a)	6254(y)(1)
7924.105	6253.5(d)	7926.230(b)	6254(y)(2)
7924.110(a)-(b)	6253.5(a) 1st sent	7926.230(c)	6254(y)(3)
7924.110(c)	6253.5(a) 2d sent	7926.230(d)	6254(y)(4),
7924.110(d)	6253.5(b)		6254.14(b)(re 6254(y))
7924.300	6254.2(a)	7926.230(e)	6254(y)(5)
7924.305(a)	6254.2(b)	7926.235(a)	6254(w)(1)
7924.305(b)	6254.2(c)	7926.235(b)	6254(w)(2)
7924.305(c)	6254.2(d)	7926.235(c)	6254(w)(3)
7924.305(d)	6254.2(e)	7926.300	6253.2
7924.305(e)	6254.2(m)	7926.400(a)	6254.18(b)(1)
7924.305(f)	6254.2(f)	7926.400(b)	6254.18(b)(2)
7924.310(a)-(b)	6254.2(h)	7926.400(c)	6254.18(b)(3)
7924.310(c)	6254.2(k)	7926.400(d)	6254.18(b)(4)
7924.315	6254.2(i)	7926.405	6254.18(a)
7924.320	6254.2(j)	7926.410	6254.18(c)
7924.325	6254.2(n)	7926.415(a)	6254.18(d) 1st sent
7924.330	6254.2(l)	7926.415(b)	6254.18(d) 3d sent
7924.335	6254.2(g)	7926.415(c)	6254.18(d) 2d sent
7924.500	6254.11	7926.420	6254.18(e)
7924.505	6254(o)	7926.425	6254.18(f)
7924.510(a)	6254.7(a)	7926.430	6254.18(g)
7924.510(b)	6254.7(b)	7926.500	6270.7
7924.510(c)	6254.7(d) 1st sent	7927.000	6254(r)
7924.510(d)	6254.7(e)	7927.005	6254.10
7924.510(e)	6254.7(f)	7927.100	6254(j)
7924.510(f)	6254.7(d) 2d sent	7927.105	6267
7924.700	6254.7(c)	7927.200	6254(b)
7924.900	6253.8(a)-(e)	7927.205	6254.25
7925.000	6254(i)	7927.300	6254.9
7925.005	6254(n)	7927.305	6254(e)
7925.010	6254(x)	7927.400	6254.20

Proposed Provision	Existing Provision(s)	Proposed Provision	Existing Provision(s)
7927.410	6254.6	7927.600	6254.6
7927.405	6254.1(b)	7927.605	6254.15
7927.410	6254.16	7927.700	6254(c)
7927.415	6254.1(a)	7927.705	6254(k)

CORRECTED CROSS-REFERENCES

In tentatively reorganizing the CPRA, the Commission identified some provisions that appear to contain one or more incomplete or incorrect cross-references. Where the proper cross-reference is obvious, the Commission corrected the cross-reference in its proposed legislation. That approach seems more sensible than tentatively proposing to perpetuate a plainly incorrect cross-reference.

Those instances are described in detail below.

- Section 6252(a), defining “local agency,” cross-refers to “subdivisions (c) *and* (d) of Section 54952.”¹ It seems improbable, however, that the Legislature intended to require an entity to satisfy the requirements of *both* subdivisions to qualify as a “local agency” under Section 6252(a) for purposes of the CPRA. Proposed Section 7920.505 (continuing the substance of Section 6252(a)) would correct this problem by referring instead to “subdivision (c) *or* (d) of Section 54952.”²
- Section 6253.2 cross-refers to Welfare and Institutions Code Section 12302.25. The 2018 maintenance of the codes bill amended Section 6253.2 to cross-refer to Welfare and Institutions Code Section 12302.25 instead of Section 12302.5,³ but that amendment was chaptered out by another bill.⁴ Proposed Section 7926.300 would incorporate the cross-reference correction that the Legislature approved in the 2018 maintenance of the codes bill.
- Section 6254(f) contains two cross-references to Penal Code Section 288a. In 2018, Penal Code Section 288a was renumbered as Penal Code Section 287.⁵ Proposed Sections 7923.615 and 7923.620 would continue the part of Section 6254(f) in question, with revisions to reflect the renumbering of Penal Code Section 288a.
- Section 6254(y)(5) cross-refers to Part 6.4 of Division 2 of the Insurance Code, which has been repealed pursuant to a sunset provision.⁶ Proposed Section 7926.230(e) (continuing the substance of Section 6254(y)(5)) would update the cross-reference by referring to “*former* Part 6.4 (commencing with Section 12699.50) of Division 2 of the Insurance Code”⁷
- Section 6254.4(c) refers to “the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.) ...” However, the content of the federal

1. Emphasis added.

2. For further discussion of this point, see CLRC Staff Memorandum 2017-49, pp. 6-8.

3. See 2018 Cal. Stat. ch. 92, § 87 (SB 1289 (Committee on Judiciary)).

4. See Section 9605 (bill conflict rules); 2018 Cal. Stat. ch. 35, § 4 (Committee on Budget); 2018 Cal. Stat. ch. 92, § 246 (subordination clause in maintenance of codes bill).

5. See 2018 Cal. Stat. ch. 423, § 49 (SB 1494 (Committee on Public Safety)).

6. See 2014 Cal. Stat. ch. 31, § 37 (former Ins. Code § 12699.64).

7. Emphasis added.

Help America Vote Act was transferred to a new title of the federal code in 2012 (52 U.S.C. § 20901). Proposed Section 7924.000(b) (continuing the substance of 6254.4(c)) would update the cross-reference to reflect the relocation.

- Section 6254.18(f) says: “Within 90 days of separation of an employee, contractor, volunteer, board member, or officer of the reproductive health service facility who has *provided notice to a public agency pursuant to subdivision (c)*, the facility shall provide notice of the separation to the relevant agency or agencies.⁸ The notification requirement is currently located in subdivision (d), not in subdivision (c). Proposed Section 7926.425 would correct that problem by cross-referring to the provision that would continue the substance of subdivision (d) of Section 6254.18 (proposed Section 7926.415), instead of the provision that would continue the substance of subdivision (c).
- In defining “public safety official,” Section 6254.24(b) refers to a “public officer or other person listed in Sections 1808.2 *and* 1808.6 of the Vehicle Code.”⁹ Given the content of Sections 1808.2 and 1808.6, however, it seems improbable that the Legislature intended to require a person to be listed in *both* of those provisions to qualify as a “public safety official” within the meaning of Section 6254.24. Proposed Section 7920.530(b) (continuing the substance of Section 6254.24(b)) would correct that problem by referring to “Section 1808.2 *or* 1808.6 of the Vehicle Code.”¹⁰
- Section 6254.24(g) includes as a “public safety official” an employee “who supervises inmates in a city police department, a county sheriff’s office, the Department of California Highway Patrol, federal, state, or a local detention facility, *and* a local juvenile hall, camp, ranch, or home . . .”¹¹ It seems improbable that the Legislature intended this provision to include as a “public safety official” only an employee who supervises inmates in one of the enumerated facilities for adults *and* in one of the enumerated facilities for juveniles. Thus, proposed Section 7920.530(g) (continuing the substance of Section 6254.24(g)) would refer instead to an employee “who supervises inmates in a city police department, a county sheriff’s office, the Department of California Highway Patrol, federal, state, or a local detention facility, *or* a local juvenile hall, camp, ranch, or home . . .”¹²

Section 6254.25 cross-refers to “subdivision (q) of Section 11126.” However, Section 11126 no longer has a subdivision (q); the material in question was relocated to subdivision (e) in 1996.¹³ Proposed Section

8. Emphasis added.

9. Emphasis added.

10. For further discussion of this point, see CLRC Staff Memorandum 2017-49, pp. 8-9.

11. Emphasis added.

12. Emphasis added.

13. See 1996 Cal. Stat. ch. 1041, § 5.

Additionally, the cross-referenced provision (Section 11126) appears to contain an inadvertent drafting error; some paragraph relabeling and related revisions seem necessary. The Commission will include a

7927.205 (continuing the substance of Section 6254.25) would correct the erroneous cross-reference to “subdivision (q) of Section 11126.”

technical amendment of Section 11126 with the conforming revisions and repeals for its proposed recodification. For further discussion of this point, see CLRC Staff Memorandum 2017-50, pp. 11-16.

MINOR CLEAN-UP ISSUES FOR POSSIBLE FUTURE LEGISLATIVE ATTENTION

In conducting this strictly nonsubstantive study, the Commission tentatively identified some minor problems in the CPRA, which it probably could not address without potentially raising concerns about the possibility of a substantive change. Those issues are listed here.

As far as the Commission is aware, this list consists of relatively noncontroversial clean-up issues, not issues involving substantial controversy. If any of the issues listed below appears likely to involve substantial controversy, please notify the Commission.

- Consider whether to clarify the usage of the term “local agency” in Section 6252.7 and its continuation (proposed Section 7921.310).¹⁴
- Consider whether to simplify the description in the first sentence of Section 6254.5 (proposed Section 7921.505(a)) of which exemptions are waived.¹⁵
- Consider whether to revise the descriptions in subdivisions (g) and (i) of Section 6254.5 (proposed Section 7921.505(b)(7) & (9)) to make them more readily understandable.¹⁶

14. For further discussion of this issue, see CLRC Staff Memorandum 2017-60, pp. 1-3.

15. For further discussion of this issue, see CLRC Staff Memorandum 2017-60, pp. 4-5.

16. For further discussion of this issue, see CLRC Staff Memorandum 2017-60, pp. 5-6.

